

Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla.

#### VESSEL SHIP WASHINGTON.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel ship *Washington*, Aaron Foster, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

#### HOUSE BILL REFERRED.

The bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes, was read twice by its title, and referred to the Committee on Naval Affairs.

#### BANKRUPTCY LAWS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

*Resolved by the House of Representatives (the Senate concurring).* That there be printed and bound together in paper 30,000 copies of the following documents, namely: United States Bankrupt Law of 1898, uniform system, with marginal notes and index; General Orders and Forms in Bankruptcy, adopted and established by the Supreme Court of the United States November 28, 1898, and Public Law No. 62, for the amendment of the Bankruptcy Law, passed by the Fifty-seventh Congress, second session, January 28, 1903, of which 10,000 copies shall be for the use of the Senate and 20,000 copies for the use of the House.

#### ORATION ON THE LATE PRESIDENT M'KINLEY.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

*Resolved by the House of Representatives (the Senate concurring).* That there be printed and bound in the form of eulogies 24,000 copies of the oration delivered by the Hon. John Hay in the Hall of the House of Representatives during the exercises in memory of the late President McKinley on February 27, 1902; 16,000 for the use of the House of Representatives and 8,000 for the use of the Senate.

#### BILLS INTRODUCED.

Mr. PETTUS introduced a bill (S. 7385) to increase the limit of cost of the public building at Anniston, Ala., and for other purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. TILLMAN introduced a bill (S. 7386) for the purchase of additional land for the site of the public building at Georgetown, S. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

#### RECESS.

The Senate, in executive session (at 5 o'clock and 25 minutes p. m.), took a recess until to-morrow, Saturday, February 21, 1903, at 11 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate February 20, 1903.*

#### REGISTERS OF LAND OFFICES.

Bruce Wilcox, of Alliance, Nebr., to be register of the land office at Alliance, Nebr., vice Fred M. Dorrington, deceased.

Samuel A. Abbey, of Pueblo, Colo., to be register of the land office at Pueblo, Colo., vice John R. Gordon, term expired.

#### RECEIVER OF PUBLIC MONEYS.

John J. Lambert, of Colorado, to be receiver of public moneys at Pueblo, Colo., his term having expired. (Reappointment.)

#### HOUSE OF REPRESENTATIVES.

FRIDAY, February 20, 1903.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

#### DESTRUCTION OF INVOICES IN CONSULAR OFFICES.

The SPEAKER laid before the House the bill (S. 7363) to permit the Secretary of State to cause the destruction of invoices of merchandise exported to the United States which have been on file in the consular offices for more than five years.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of State is authorized to cause, from time to time, the destruction of invoices that have been filed in the consular offices for a period of more than five years.

The bill was ordered to be read a third time, was read the third time, and passed.

#### LOUISIANA PURCHASE EXPOSITION.

The SPEAKER. The Chair says before the House, with the consent of the House, a communication from the officers of the

Louisiana Purchase Exposition Commission, which the Clerk will read.

The Clerk read as follows:

UNIVERSAL EXPOSITION COMMEMORATING THE  
ACQUISITION OF THE LOUISIANA TERRITORY,  
St. Louis, U. S. A., February 19, 1903.

To the Congress of the United States.

SIRS: The Louisiana Purchase Exposition Commission and the Louisiana Purchase Exposition Company hereby extend an invitation to the Congress of the United States to attend the dedicatory ceremonies of the Louisiana Purchase Exposition to be held in St. Louis on April 30 and May 1 and 2, 1903.

These ceremonies are provided for in the act of Congress approved March 3, 1901, and will be in keeping with the dignity of the occasion and commensurate with the importance of the event they are designed to commemorate.

April 30, 1903, will be the one hundredth anniversary of the signing of the treaty by which the Louisiana territory was transferred from the jurisdiction of France to that of the American Republic.

LOUISIANA PURCHASE EXPOSITION COMMISSION,  
THOS. H. CARTER.  
LOUISIANA PURCHASE EXPOSITION COMPANY,  
D. R. FRANCIS.

Mr. TAWNEY. Mr. Speaker, by direction of the Committee on Industrial Arts and Expositions, I offer the following resolution.

The SPEAKER. The gentleman from Minnesota, by direction of his committee, presents the following resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring).* That the invitation extended to the Congress of the United States by the National Commission of the Louisiana Purchase Exposition and by the Louisiana Purchase Exposition Company to attend the dedicatory ceremonies of the Louisiana Purchase Exposition, to be held at St. Louis, Mo., April 30 and May 1 and 2, 1903, be, and is hereby, accepted.

That the President pro tempore of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized and directed to appoint a committee to consist of 7 Senators and 11 Representatives elected to the Fifty-eighth Congress, to attend the dedicatory ceremonies referred to, and to represent the Congress of the United States on the occasion of the celebration of the one hundredth anniversary of the purchase of the Territory of Louisiana at St. Louis, Mo., April 30 and May 1 and 2, 1903.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

The SPEAKER. The Chair will announce the committee later.

MRS. JOHN L. SHEPPARD.

Mr. BARTLETT. Mr. Speaker, I desire to call up a privileged report from the Committee on Accounts.

The Clerk read as follows:

The Committee on Accounts, to whom was referred House resolution No. 445, for the payment of \$35.47 to Mrs. John L. Sheppard for clerk hire due to the late Representative John L. Sheppard for eleven days in October, 1902, have had the same under consideration and recommend its adoption with the following amendments:

After the word "Sheppard," in the second line, insert the words "widow of the late Representative John L. Sheppard."

After the word "cents," in the fourth line, strike out the words "for services rendered as;" and after the word "clerk," in the fourth line, insert the words "hire due."

Representative Sheppard died October 11, 1902. There was due him an allowance of \$35.47 for clerk hire, which the resolution proposes to pay to Mrs. John L. Sheppard, his widow.

It is the usual resolution in such cases.

#### Resolution 445.

*Resolved,* That the Clerk of the House is hereby authorized to pay to Mrs. John L. Sheppard, out of the contingent fund of the House, the sum of \$35.47 for services rendered as clerk to the late Representative John L. Sheppard from October 1 to October 11, 1902, inclusive.

Mr. BARTLETT. This is simply a resolution to pay the widow of the late John L. Sheppard the amount due for clerk hire between the first of the month and the time of his death. It is in the usual form.

The SPEAKER. The question is on agreeing to the amendment.

The question was considered; and the amendment was agreed to.

The resolution was agreed to.

On motion of Mr. BARTLETT, a motion to reconsider the last vote was laid on the table.

#### RALF DENT.

Mr. BARTLETT. I also offer, Mr. Speaker, a privileged report from the same committee.

The Clerk read as follows:

The Committee on Accounts, to whom was referred House resolution No. 323, for the payment to Ralf Dent of \$192.50 for services rendered as a page in the House from January 1, 1901, to March 18, 1902, have had the same under consideration and recommend its adoption with the following amendment:

In line 5 strike out "one" and insert "two."

It appears that the beneficiary named in the resolution served as a page in the House from January 1, 1902, to March 18, 1902, without compensation. A resolution for his employment as a page was considered by your committee and was authorized to be favorably reported by the House, but was never considered by the House. Dent, however, gained the impression that his services were authorized and performed the duties of a page during the time stated.

The resolution was read, as follows:

*Resolved,* That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to Ralf Dent the sum of \$192.50, for services rendered as a page from January 1, 1901, to March 18, 1902.

The amendment recommended by the committee was agreed to.

The resolution was agreed to.

On motion of Mr. BARTLETT, a motion to reconsider the last vote was laid on the table.

## MESSAGE FROM THE SENATE.

A message from the Senate by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 7351. An act to authorize the Pennsylvania Railroad Company to construct and maintain a bridge across the Allegheny River, in the State of Pennsylvania;

S. 7002. An act for the relief of the contractor or his legal representatives for the construction of the light-draft monitor *Etlah*;

S. 5955. An act for the relief of the representatives of M. F. Merritt, deceased;

S. 6681. An act for the relief of Rudolf Herbst; and

S. 3838. An act to refer to the Court of Claims the claim for the *Tunxis*.

## SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of following titles were taken from the Speaker's tables and referred to their appropriate committees as indicated below:

S. 6681. An act for the relief of Rudolf Herbst—to the Committee on War Claims.

S. 3838. An act to refer to the Court of Claims the claim for the *Tunxis*—to the Committee on War Claims.

S. 5955. An act for the relief of the representatives of M. F. Merritt, deceased—to the Committee on War Claims; and

S. 7002. An act for the relief of the contractor or his legal representatives for the construction of the light-draft monitor *Etlah*—to the Committee on War Claims.

## ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 17192. An act authorizing the Secretary of the Interior to issue a patent to the city of Buffalo, Wyo., for certain tracts of land;

H. R. 5070. An act for the relief of Hamilton M. Sailors;

H. R. 6516. An act for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased; and

H. R. 17052. An act to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6968. An act granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona;

S. 1905. An act for the erection of a keeper's dwelling at Grosse Isle, North Channel Range, Detroit River, Michigan;

S. 7288. An act extending the time for making proof and payment for all lands taken under the desert-land laws by the members of the Colorado Cooperative Colony for a further period of three years;

S. 265. An act to establish a light-house and fog-signal station on Burrows Island, State of Washington;

S. 7277. An act granting an increase of pension to Elbert H. Dagnall;

S. 7076. An act granting an increase of pension to Charles L. Pinkham;

S. 7003. An act granting an increase of pension to Sarah C. Merrell;

S. 6985. An act granting an increase of pension to George Cummings;

S. 6984. An act granting an increase of pension to Maria A. Marden;

S. 6983. An act granting an increase of pension to Gilman B. Johnson;

S. 6982. An act granting an increase of pension to Linda F. Moulton;

S. 6981. An act granting an increase of pension to Lorenzo P. Dunclee;

S. 6941. An act granting an increase of pension to James Montz;

S. 6876. An act granting a pension to Lavinia F. Poiron;

S. 7060. An act granting an increase of pension to Ann M. Jackman;

S. 6845. An act granting an increase of pension to Martin G. Cushing;

S. 6843. An act granting an increase of pension to A. Paul Horne;

S. 7176. An act granting an increase of pension to Jennie W. Rhoades;

S. 7166. An act granting an increase of pension to Fanny Farmer;

S. 7145. An act granting an increase of pension to Rosetta E. Rafferty;

S. 7100. An act granting an increase of pension to Maggie V. Holstein;

S. 7077. An act granting an increase of pension to Cyrus B. Norris;

S. 7245. An act amending the act of June 19, 1888, providing for the erection of a public building at Bridgeport, Conn.;

S. 7182. An act granting an increase of pension to William H. McHenry;

S. 7207. An act granting an increase of pension to May Mosher Chase;

S. 7202. An act granting an increase of pension to Fanny B. Orwan; and

S. 7186. An act granting a pension to Mary C. Couch.

## SUPERINTENDENT OF CLERK'S DOCUMENT ROOM.

Mr. HUGHES. Mr. Speaker, I call up a privileged report from the Committee on Accounts.

The Clerk read House resolution No. 293, with accompanying report, as follows:

*Resolved*, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to employ in the Clerk's document room, from and after the date of the passage of this resolution, in addition to the present force therein employed, a superintendent of the Clerk's document room, who shall have charge of said Clerk's document room, and to pay him a salary of \$1,800 per annum, which salary shall be paid from the contingent fund of the House of Representatives until provision is made for it in an appropriation law.

The Committee on Accounts, to whom was referred House resolution No. 293, authorizing the employment of a superintendent of the Clerk's document room, in addition to the present force there employed, at a salary of \$1,800 per annum, to be paid out of the contingent fund of the House until otherwise provided for, have had the same under consideration and recommend its adoption.

This resolution, if adopted, will create a new position of superintendent of Clerk's document room. Unless, however, further provision than is made by the resolution for the employment of such superintendent beyond the 4th day of March, when this Congress will expire, is incorporated in one of the general appropriation bills, such employment, under the resolution, can not extend beyond that date.

All requisitions for the binding of documents are made upon the Public Printer through the Clerk's document room. The present available force employed on this work is not adequate, according to a statement of the Clerk of the House made before your committee, and he strongly recommends the employment of a person to superintend the work, which, he states, has grown to large proportions, and which requires systematic and intelligent book-keeping to properly and expeditiously handle. Your committee believe that the important nature and volume of this work fully bears out the statement of the Clerk of the House and justifies the adoption by the House of the resolution herewith favorably reported.

Mr. MADDOX. I should like to hear some explanation of this resolution.

Mr. HUGHES. This resolution provides for the employment of a superintendent of the Clerk's document room. They have now employed in that room a clerk at \$1,440, an assistant at \$900, and a laborer assigned as clerk at \$720. The Clerk of the House now designates men who are now employed in other capacities to do the work in the Clerk's document room, as the present force can not do the work of that room. The Committee on Accounts, after fully investigating this matter, have reported this resolution favorably. In the index room they have a clerk at \$2,000; in the enrolling clerk's room they have a clerk at \$2,250, and the newspaper clerk gets \$2,000. The resolution clerk gets \$2,000, and the distributing clerk \$1,800. This particular clerk gets only \$1,440.

Prior to the time when under the resolution of Mr. Dockery, a former member of this House, things were "reconstructed" in the House, there were employed in the Clerk's document room a clerk at \$2,000, one at \$1,600, one at \$1,200, and one at \$720. Now, there is double the work to do that there was formerly, and, as I have stated, the force of that room consists only of a clerk at \$1,440, an assistant at \$900, and a laborer (designated as a clerk) at \$720.

Mr. MADDOX. Will the gentleman allow me a question?

Mr. HUGHES. Yes, sir.

Mr. MADDOX. How does it happen that this work is double now what it formerly was?

Mr. HUGHES. Because there is more work to do. The binding law makes at least three times as much to do as there was at this time a year ago.

Mr. MADDOX. What is the character of the work?

Mr. HUGHES. It is the binding of different kinds of books issued by the House.

Mr. MADDOX. Does the gentleman undertake to say that there are three times as many books bound now as there were this time last year?

Mr. HUGHES. Yes, sir. This time two years ago there were only 3,750 requests for binding; now there are 5,145.

Mr. MADDOX. Who is it that is authorized to make these requests, outside of members of Congress?

Mr. HUGHES. No one outside of members of Congress. Members are improving their opportunities in this respect. Take, for instance, the Congressional Directory, which is now furnished as a bound book on the request of members, where formerly it was supplied in paper.

Mr. MADDOX. Is this position to be a permanent one?

Mr. HUGHES. Yes, sir; it is to be a permanent position in the Clerk's document room.

Mr. MADDOX. And you really think that the Clerk needs this assistance?

Mr. HUGHES. Yes, sir; I really think he needs it. I know that he does.

Mr. MADDOX. Can you not find some one of the employees around here who are doing nothing, and furnish him with something to do?

Mr. HUGHES. They have no employee in the Clerk's office that can now be assigned to this work.

Mr. MADDOX. Then you can not find anyone around the Capitol to assign to this work?

Mr. HUGHES. No; and the present law prevents it, only in case of emergency, and this is permanent work.

Mr. MADDOX. Have you this gentleman already selected?

Mr. HUGHES. No, sir.

Mr. MADDOX. How do you know that you are going to get one on the outside?

Mr. HUGHES. Well, I think we can.

Mr. BARTLETT. Will the gentleman from West Virginia yield to me for a moment?

Mr. HUGHES. Yes, sir.

Mr. BARTLETT. I wish to say that I was present at the meeting of the Committee on Accounts when action was taken on this resolution. The Clerk of the House and other officials connected with this work have been before the committee. We have heard their statements as to the necessity for this position. I do not know anything else to be done except for the House to concur in this resolution authorizing the employment of this clerk at the salary named. He is said to be necessary to carry out the work of the House. We have therefore reported this resolution; and I know no reason why it should not be voted for.

Mr. FLEMING. Will the gentleman from West Virginia yield to me for a question?

Mr. HUGHES. Yes, sir.

Mr. FLEMING. The gentleman in charge of this resolution, in enumerating the different places in this department a few moments ago, mentioned one of the officers as a "newspaper clerk."

Mr. HUGHES. Oh, no; not in this department.

Mr. FLEMING. Well, will the gentleman please give the House some information as to the duties of that "newspaper clerk?" Does he do duty as a newspaper man, or is he a reporter? What are his duties? I should like to have some information on that point. I did not know that we had a "newspaper clerk."

Mr. HUGHES. We have him on the list as a newspaper clerk.

Mr. FLEMING. How much salary does he receive?

Mr. HUGHES. Two thousand dollars a year. As I understand, he has something to do with the Journal.

Mr. FLEMING. Does the gentleman mean the RECORD?

Mr. HUGHES. No.

Mr. FLEMING. And you call him a newspaper clerk?

Mr. HUGHES. That is the way he is designated on the list, but that has nothing to do with these clerks in the document room.

Mr. FLEMING. I thought perhaps it was the gentleman in the Clerk's office who keeps the files of newspapers.

Mr. HUGHES. No.

Mr. FLEMING. I thought the salary was rather excessive for that kind of work.

Mr. HUGHES. No; he has nothing to do with the Clerk's document room at all. I merely called that over in calling the list of the different clerks they have in the different departments here to do the work of the House.

Mr. FLEMING. Then, as a matter of fact, the clerk who is designated the newspaper clerk there is the one who edits the RECORD?

Mr. HUGHES. The clerk who is designated the newspaper clerk has nothing to do with this resolution at all.

Mr. FLEMING. I understand that; but I was asking for information.

Mr. HUGHES. What is the question?

Mr. FLEMING. Whether or not the clerk designated as the newspaper clerk is the editor of the RECORD.

Mr. HUGHES. That is my understanding about it, though I am not positive.

Mr. FLEMING. It is a strange name to give to such a clerk.

Mr. MADDOX. Will the gentleman yield for a question?

Mr. HUGHES. Yes.

Mr. MADDOX. I want to ask the gentleman, who seems to be on the Committee on Accounts, whether the Doorkeeper and Sergeant-at-Arms and Clerk have made their reports to him monthly under oath, as the law requires them to do, of the number of employees they have and what they are doing? Has the gentleman required that?

Mr. BARTLETT. The gentleman can state—

Mr. HUGHES. That is the duty of the chairman of the committee, and I can not tell.

Mr. BARTLETT. I can state that it has been done.

Mr. MADDOX. Well, Mr. Speaker, I have the floor now. Is it not a fact that the necessity for the man who is wanted now arises because of this short session and our being so close to adjournment? That is, because of the press of business right now, and if you had one until Congress adjourned, is it not a fact that you would have no necessity for him afterwards?

Mr. HUGHES. No; that is not a fact. This man will be employed during the whole year. There is as much or nearly as much binding done during the vacation as while Congress is in session.

Mr. MADDOX. I will ask the gentleman if he has investigated this matter himself?

Mr. HUGHES. I have.

Mr. MADDOX. To see whether we need this man?

Mr. HUGHES. Yes; I have.

Mr. MADDOX. And the gentleman states in his place, as we say in court—

Mr. HUGHES. As a Congressman representing the Fourth Congressional district of West Virginia I state that this clerk is absolutely needed.

The SPEAKER. The question is on agreeing to the resolution. The resolution was agreed to.

On motion of Mr. HUGHES, a motion to reconsider the last vote was laid on the table.

CHARLES A. SPIRK.

Mr. HUGHES. Mr. Speaker, I also present the following resolution from the Committee on Accounts, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized to pay, out of the contingent fund of the House, to Charles A. Spirk the sum of \$100, for services rendered as clerk to the late Representative J. N. W. Rumble from January 1 to January 31, 1903, inclusive.

The SPEAKER. The question is on agreeing to the resolution. The resolution was agreed to.

On motion of Mr. HUGHES, a motion to reconsider the last vote was laid on the table.

HARRISON EDELIN.

Mr. HUGHES. Mr. Speaker, I also present the following resolution, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized to pay Harrison Edelin, out of the contingent fund of the House of Representatives, at the rate of \$50 per month for the sessions of this Congress for services as janitor to the Committee on Industrial Arts and Expositions.

The SPEAKER. The question is upon agreeing to the resolution.

Mr. MADDOX. Mr. Speaker, I want to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. HUGHES. Yes.

Mr. MADDOX. How often has this committee met this Congress?

Mr. HUGHES. About once every two weeks.

Mr. BARTLETT. The gentleman does not understand to what committee the gentleman from Georgia refers.

Mr. MADDOX. The Committee on Industrial Arts and Expositions is what I understood the gentleman to say. How often does that committee meet?

Mr. HUGHES. Oh, I could not tell. That is a question which I think the chairman of the committee [Mr. TAWNEY] could perhaps answer.

Mr. MADDOX. Let me ask this question: How is it possible for the gentleman on the Committee on Accounts to bring in this resolution here and ask for this pay unless he knows something about this thing?

Mr. HUGHES. Well, we do know something about that.

Mr. MADDOX. Did not you investigate this at all?

Mr. HUGHES. We know and feel that this man is entitled to this pay, for he has done the work.

Mr. MADDOX. Then the gentleman knows he has done the work.

Mr. HUGHES. Yes.

Mr. MADDOX. Well, then, how often did the committee meet, and how much work has the man done?

Mr. HUGHES. It is not a part of my duties to keep the record of the Committee on Industrial Arts and Expositions and how often they meet.

Mr. MADDOX. Well, the gentleman knows the work was done.

Mr. HUGHES. Yes.

The SPEAKER. The question is on agreeing to the resolution. The resolution was agreed to.

On motion of Mr. HUGHES, a motion to reconsider the last vote was laid on the table.

## ADDITIONAL CLERK, COMMITTEE ON ENROLLED BILLS.

Mr. HENRY C. SMITH. Mr. Speaker, by authority of the Committee on Accounts, I call up House resolution 431.

The SPEAKER. The gentleman from the Committee on Accounts calls up the following, which the Clerk will read.

The Clerk read as follows:

*Resolved*, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint an additional clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of \$6 per day during the remainder of the present session.

The resolution was agreed to.

On motion of Mr. HENRY C. SMITH, a motion to reconsider the last vote was laid on the table.

## ELIZABETH NORRIS.

Mr. HENRY C. SMITH. I also call up the following from the same committee.

The SPEAKER. The same gentleman also calls up the following from the same committee.

The Clerk read as follows:

*Resolved*, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to Elizabeth Norris, widow of Eppa Norris, deceased, late an employee in the heating and ventilating department of the House of Representatives, a sum equal to six months' pay at the rate of compensation received by him at the time of his death, and a further sum, not exceeding \$250, on account of expenses of his last illness and burial.

The resolution was agreed to.

On motion of Mr. HENRY C. SMITH, a motion to reconsider the last vote was laid on the table.

## EULOGIES ON THE LATE PRESIDENT M'KINLEY.

Mr. HEATWOLE. Mr. Speaker, by direction of the Committee on Printing, I offer the following privileged resolution.

The SPEAKER. The gentleman from Minnesota, by direction of the Committee on Printing, calls up the following, which the Clerk will report.

The Clerk read House concurrent resolution 69, as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed and bound in the form of eulogies 24,000 copies of the oration delivered by the Hon. John Hay in the Hall of the House of Representatives during the exercises in memory of the late President McKinley on February 27, 1902; 16,000 for the use of the House of Representatives and 8,000 for the use of the Senate.

The concurrent resolution was agreed to.

## CIVIL SERVICE RETIREMENT ASSOCIATION.

Mr. HEATWOLE. I also offer the following privileged report.

The SPEAKER. The gentleman from Minnesota also calls up the following from the same committee:

The Clerk read House concurrent resolution 73, as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed and bound of the statistics and tabulated data collected and prepared by the United States Civil Service Retirement Association, relative to retirement of employees in the classified civil service of the Government, 3,000 copies, 2,000 of which shall be for the use of the House and 1,000 for the use of the Senate.

Mr. HEPBURN. Mr. Speaker—

The SPEAKER. Does the gentleman from Minnesota yield?

Mr. HEATWOLE. Yes.

Mr. HEPBURN. I should like to have some explanation in regard to this. What is this?

Mr. HEATWOLE. These data have been prepared by the association, in view of the fact that there have been several bills before Congress looking toward the retirement of employees of the Government. It will be valuable as a work of reference.

Mr. HEPBURN. What is this—an argument in favor of a civil pension?

Mr. HEATWOLE. It is neither in favor nor against it. It is merely information.

Mr. HEPBURN. At whose instance was it procured?

Mr. HEATWOLE. At the instance of this Civil Service Retirement Association. I will call on the gentleman from Massachusetts [Mr. GILLETT], chairman of the Committee on Reform in the Civil Service.

Mr. GILLETT of Massachusetts. I think I can give the gentleman the information he desires. Three or four Congresses ago, as the gentleman will remember, there were several bills introduced relative to the question as to whether the elderly superannuated men in the civil service could be removed and taken care of by a retirement fund which would be formed by taking a certain percentage from the salary of each person in the classified service. At that time the committee of which I was a member concluded that the scheme was impracticable, because it would cost more and take a larger percentage from the salary of each person in the service than they would be willing to give. Therefore it could not be done. But after the committee abandoned it it attracted the attention of the clerks in the different departments, who looked at it not of course from the point of view of the Government, but from their own selfish point of view, very properly, hoping that they might in some way prepare a scheme

by which they could be retired, paying a certain percentage of their salaries during their service which would support them after they were turned out.

So they formed an association, which was voluntary of course, having no connection with Congress. In carrying out their purpose they sent out, I think over 20,000 postal cards to the clerks of all the departments in Washington, and obtained the ages, length of service, salaries, and many other details, and in that way got a vast amount of information bearing on this question. They expected to get it in time to present to Congress two years ago, but found it was such an enormous undertaking that they were not able to do so. They have been over three years in procuring a very large amount of information. It is not for me to say at this time what the tendency of it is, whether it proved favorable to their scheme or unfavorable. It simply finds the facts, which the clerks themselves procured. They went to the expense of having an auditor or actuary come over from one of the big insurance companies in New York, taking their facts and tabulating them and drawing the mathematical inference from them. Now, it seems to them, and when they consulted me about it, it seemed to me, here was a vast mass of valuable information which had been procured in a manner in which Congress could not obtain it, because it was voluntary, as they were giving the exact facts—here was a vast amount of information which was bearing upon an interesting subject, and therefore it seemed to me that it was very important to have it published. That is all this is.

Mr. HEPBURN. I would like to ask the gentleman if it is not a fact that all that information is in the Blue Book?

Mr. GILLETT of Massachusetts. No, sir; I do not think it is.

Mr. HEPBURN. Is it anything more than the time when appointed, the time of service, and compensation?

Mr. GILLETT of Massachusetts. I have not studied the Blue Book closely myself, but I do not think the Blue Book gives the age of a man when he entered the service or the salary he received at different periods of his service. This gives all these facts.

Mr. HEPBURN. Is it not true that this committee of clerks have abandoned all their expectations of being able to reach a common plan, and have not they abandoned the whole subject, believing that it was an impracticable thing?

Mr. GILLETT of Massachusetts. I do not think they have, Mr. Speaker. I will say to the gentleman that last fall I had a consultation with them, and I will confess I came to the conclusion, personally, that I thought it was impracticable. I think it requires a larger percentage to be given up by the different clerks than they would be willing to surrender, or than Congress would think was fair. I think, from my examination, these facts prove the plan is impracticable, but I do not think the clerks have come to that conclusion. But whether or not, Mr. Speaker, it seems to me that when you can have the information which these men have procured at a great deal of expense on the belief it might support their claim, though we do not think it does, I think it is a valuable publication to have in permanent form.

Mr. HEATWOLE. It is a collection of facts in condensed form for the information of Congress.

Mr. GROSVENOR. If the gentleman will permit me, I believe the getting of this information began about three years ago.

Mr. GILLETT of Massachusetts. That is my recollection.

Mr. GROSVENOR. Are the changes that have been going on ascertainable by this report?

Mr. GILLETT of Massachusetts. Going on when?

Mr. GROSVENOR. The deaths among these clerks.

Mr. GILLETT of Massachusetts. During these three years? As to that I am not sure.

Mr. GROSVENOR. If that is not shown, then it is absolutely worthless.

Mr. GILLETT of Massachusetts. I do not think I have made myself clear. This does not state what has been going on during the three years. This took the membership of the clerks at one date—I do not know when it was; probably two years ago—and gives all the clerks in the civil service of the Government at that date. They sent a postal card to every clerk. I wish I had one of those postals. The inquiry was as to the age, the State, when he entered the service, what he received when he first entered the service, his promotions, and gave all the facts about the service of all the clerks of the departments of that date.

Mr. GROSVENOR. Now, what value is it to know when a man entered the service, how long he has served, or what his promotions were?

Mr. GILLETT of Massachusetts. It seems to me of value upon the question as to whether it is possible to in any way take from these gentlemen, these clerks, a percentage of their salary so as to make a fund which they themselves contribute to and establish which will go to make up a retirement fund. It is very important to find out what they are getting, how old they are, how old they were when they went into the service, and thus get the average of all these facts.

Mr. GROSVENOR. And then if there is any appeal to this House to pass a law this information will be forthcoming in proposing a civil pension?

Mr. GILLETT of Massachusetts. Now, Mr. Speaker, I do not think that it is likely to have that effect. I think it is more likely to have an effect such as it had on me—instead of laying the foundation for that which I admit I was originally hopeful of, it has to me proved that it was impossible.

Mr. GROSVENOR. Would it not be well to accept your judgment and get rid of this thing?

Mr. GILLETT of Massachusetts. The country might not accept my judgment, and others may come later with a different feeling about this, and it seems to me then here will be a body of facts that has been procured at all this expense and trouble, and it will prevent the necessity of going over it all again.

Mr. GROSVENOR. I am highly content with your opinion on the subject. I would like to ask if this is a privileged report?

Mr. HEATWOLE. It is.

Mr. GROSVENOR. How did it come to be privileged?

Mr. HEATWOLE. Because it provides for printing for the House and Senate.

Mr. GROSVENOR. I do not understand this to be an official document. It came to you through private sources. Has the House ever ordered it sent to the committee?

Mr. HEATWOLE. No; it has never been sent to the committee.

Mr. GROSVENOR. Then, Mr. Speaker, I make the point of order against the consideration of this document as a privileged report.

Mr. HEATWOLE. I think, Mr. Speaker, that comes too late. Mr. STEELE. It is pretty late now for a point of order to be made.

Mr. HEATWOLE. I think the gentleman from Ohio misunderstands the purpose of this resolution. It has been thoroughly considered by the committee.

Mr. ROBINSON of Indiana. Mr. Speaker—

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Indiana?

Mr. HEATWOLE. I do.

Mr. ROBINSON of Indiana. I have in my hand several bills that have been introduced in past Congresses giving the right by the sanction of the United States Government to the plan of retiring superannuated persons in the Government employ, and also the establishment of a civil pension list broader than that, and also upon the subject of insurance by the department people with the sanction of the United States Government. Now, this proposes to publish the data that has been gathered by those who are interested employees to present in the form of a special plea their side of the case.

Mr. HEATWOLE. Oh, no; it does not.

Mr. ROBINSON of Indiana. It embodies matters which bear on the question of longevity and experience and the tables of the insurance companies.

Mr. HEATWOLE. It can be used against as well as for the proposition.

Mr. ROBINSON of Indiana. Can be used against? Does not the gentleman know that the proposition has been before the House and has failed to receive its sanction on three or four separate occasions? The House now in its sentiment is against the insurance plan of employees, and against the civil service pension list, and needs no further fortification in that position. Why should we publish the data that can be used against them as well as in their favor? If the gentleman from Massachusetts or the gentleman from Minnesota can give any good reason why the money of the people should be expended for printing data that can be used in favor of their proposition, at their suggestion, and upon their invitation, I would like to know why it should be so expended.

Mr. HEATWOLE. These facts have not been gathered by the department clerks, but by an association outside of the departments.

Mr. ROBINSON of Indiana. Will the gentleman say that those propositions have not been offered on the part of the department clerks in favor of this proposition several times, and that they have not been discountenanced by the House on a vote? And is not this an effort to get the matter again before the House?

Mr. HEATWOLE. No; if it were, I would not be in favor of it.

Mr. ROBINSON of Indiana. Then what is the purpose of it?

Mr. HEATWOLE. What is the purpose of printing any public document?

Mr. ROBINSON of Indiana. When Government publications are made, it is always for some good reason, and that printing has been done in the past is no reason for this action. I thought the gentleman from Massachusetts [Mr. GILLETT] had arrived at the idea that we had been doing a good deal too much printing, and I stand with him on that proposition, and I am sorry to see

him stand here and advocate a proposition clearly in the interest of a civil pension retirement list and insurance by the United States Government.

Mr. UNDERWOOD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. There has been so much confusion this morning that I could not hear what the gentleman from Minnesota had to say, and I have not gathered whether the Chair has submitted this motion to the House as a privileged question or not. It escaped me if he did. I desire to ask the Chair whether the motion has been submitted to the House as a privileged question? If not, I think it is still in order to make the point that the question is not privileged.

The SPEAKER. It was presented, read, no objection made, and debated for nearly an hour, and it is too late now for the point of order to be made. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. HEATWOLE) there were—ayes 54, noes 99.

So the resolution was not agreed to.

#### REPORT ON NATIONAL SOLDIERS' HOME.

Mr. HEATWOLE. Mr. Speaker, I also call up House resolution 356.

The Clerk read as follows:

*Resolved*, That hereafter there be printed and bound in cloth of the Annual Report of the Board of Managers of the National Home for Disabled Volunteer Soldiers, in addition to the usual number, 500 copies of the report proper, including the proceedings of the Board of Managers, and 150 copies of the record of members, and 500 copies, bound in paper, of the annual report of the assistant inspector-general of the State Homes.

The following amendment, reported by the committee, was read:

After the word "Homes," in line 8, add "for the use of the Home."

The amendment was agreed to.

The resolution as amended was adopted.

#### DIGEST OF PARDONS, ETC.

Mr. HEATWOLE. I also call up the joint resolution (S. R. 148) to provide for the printing of a digest of the laws, decisions, and opinions relating to pardons and other acts of executive clemency under the United States and the several States.

The joint resolution was read, as follows:

*Resolved by the Senate and House of Representatives, etc.*, That there be printed the usual number of copies of a digest of the laws and constitutional provisions now in effect of the United States and of the several States, the decisions of the courts of the United States and of the several States, and the opinions of the Attorneys-General of the United States relating to the extent of the pardoning power and the legal effect of pardons and other acts of executive clemency under the constitutions and laws of the United States and of the several States, said digest to include a summary of the laws now in effect of the United States and of the several States and the decisions of the courts of the United States and of the several States relating to the civil effects of convictions for offenses against the laws of the United States and of the several States; and that in addition to said usual number there be printed and bound in sheep 500 copies for the use of the Attorney-General; said digest to be printed under the editorial supervision of an editor or editors to be appointed by the Attorney-General, and the editing and clerical work incident thereto to be paid for out of any moneys in the Treasury not otherwise appropriated, on the direction of the Attorney-General, at a price not to exceed \$2,500, which sum is hereby appropriated, and is to be in full payment for said work, except the cost of printing and binding the same.

Mr. HEPBURN. Will the gentleman yield for a question?

Mr. HEATWOLE. Yes, sir.

Mr. HEPBURN. In May or June last this House authorized a reprint of the report of the Bureau of Animal Industry—I think upon the diseases of the horse, and also upon diseases of cattle. That was eight or ten months ago. I wish to ask the gentleman why that report has not yet been furnished?

Mr. HEATWOLE. The resolution for the printing passed the House and the Senate and was approved by the President in June last, but on account of the great prevalence of diseases among cattle and horses the employees in that division of the Agricultural Department have not been able to bring the book up to date, as provided for in the resolution, but it will be printed as soon as the Agricultural Department can bring it up to date.

Mr. HEPBURN. It is true, then, that the "copy" has not yet been furnished to the Printer?

Mr. HEATWOLE. I understand it has not.

Mr. LANDIS. And will not be furnished until a condition of convalescence obtains among horses and cattle! [Laughter.]

Mr. HEATWOLE. I know nothing about that. It has been ordered printed and will be printed.

Mr. HEPBURN. Is the question one of convalescence among horses and cattle or of convalescence in the Bureau of Animal Industry? [Laughter.]

Mr. HEATWOLE. The gentleman from Iowa [Mr. HEPBURN] has the same privilege of addressing the Department of Agriculture on this subject as we have. The matter has passed out of the province of the committee. Any member of the House can press the matter as well as the committee.

The joint resolution was ordered to a third reading, read the third time, and passed.

## BILLS AND DEBATES RELATING TO TRUSTS.

Mr. HEATWOLE. Mr. Speaker, I also call up a concurrent resolution of the Senate, No. 50, which I ask the Clerk to read. The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring), That there be printed 1,600 copies of the compilation recently prepared by direction of the Attorney-General entitled Bills and Debates in Congress relating to Trusts, of which 500 copies shall be for the use of the Senate, 1,000 copies for the use of the House of Representatives, and 100 copies for the use of the Department of Justice; and that the Attorney-General shall cause an index to be prepared to said volume, compensation therefor not to exceed \$500.*

Mr. UNDERWOOD. I reserve the point of order that this resolution is not privileged. I should like to know what the resolution provides.

Mr. HEATWOLE. The adoption of this resolution is asked for by the Department of Justice.

Mr. UNDERWOOD. What does it provide for? I could not understand it as read.

Mr. HEATWOLE. I ask that the resolution be read again. It explains itself.

The resolution was again read.

Mr. UNDERWOOD. Mr. Speaker, this resolution is clearly not within the rule as privileged. I do not know that I care very much about the matter, but I think it should be submitted by unanimous consent. Therefore I make the point that the resolution is not privileged.

The SPEAKER. The gentleman from Minnesota [Mr. HEATWOLE] asks to submit the resolution by unanimous consent.

Mr. CANNON. I want to reserve an objection until I learn a little more about what the resolution is.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] reserves a point of order.

Mr. HEATWOLE. This resolution explains itself. It is merely a compilation of all the laws and debates of Congress in regard to trusts.

Mr. CANNON. Let me see whether I understand the matter. As I understand, it is this: The various bills that have been introduced and not passed; the various amendments that have been proposed and not adopted; the various speeches that have been made and are entombed in the CONGRESSIONAL RECORD—this is a proposition to cull them all out and get them together and put them in one volume, or perhaps a dozen volumes, and index them; and later on probably to pay somebody \$5,000 or \$10,000 for having made the compilation. That always follows as a matter of course. And then, if I am correct about it, when all this is done the whole thing is to be damned into oblivion. [Laughter.]

Mr. HEATWOLE. Mr. Speaker, I do not understand that this is a collection of any old junk, but it is something that is asked for by the Department of Justice.

Mr. UNDERWOOD. Mr. Speaker, I do not think this matter ought to be passed at this time, and I will have to object.

The SPEAKER. Objection is made by the gentleman from Alabama.

## COMPILATION OF LAWS RELATING TO TRUSTS.

Mr. HEATWOLE. Mr. Speaker, I also call up the following, which I will send to the desk and ask to have read.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring), That there be prepared forthwith, under the direction of the Attorney-General, a compilation of all the laws enacted by the various States of the Union relating to trusts, or to combinations in restraint of trade and commerce, of which compilation 2,000 copies shall be for the use of the Senate and 5,000 shall be for the use of the House of Representatives and 500 for the use of the Department of Justice.*

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that that is not privileged.

Mr. GROSVENOR. Mr. Speaker, I reserve the point of order.

The SPEAKER. The gentleman from Ohio reserves the point of order.

Mr. GROSVENOR. I want to ask the gentleman from Minnesota, chairman of the committee, if it is not a fact that in the second volume of the report of the Industrial Commission there is already printed every one of these statutes of the various States?

Mr. HEATWOLE. I do not think it is complete.

Mr. PARKER. And the second volume can not be obtained any more.

Mr. HEATWOLE. And besides, it is out of print.

Mr. GROSVENOR. Well, it did not get out any too speedily, did it? [Laughter.]

Mr. HEATWOLE. I do not know anything about that.

Mr. GROSVENOR. I do not think this ought to be printed.

Mr. HEATWOLE. This is a matter which is asked for by the Department of Justice.

Mr. GROSVENOR. I make the point of order, Mr. Speaker, that this is not a privileged resolution.

The SPEAKER. The point of order is well taken.

## BANKRUPTCY LAW.

Mr. HEATWOLE. Mr. Speaker, I also call up the following, which I will send to the desk and ask to have read.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring), That there be printed and bound together in paper 30,000 copies of the following documents, namely: "United States Bankruptcy Law of 1898, uniform system, with marginal notes and index;" "General Orders and Forms in Bankruptcy, adopted and established by the Supreme Court of the United States, November 28, 1898;" and "House bill (13679) for the amendment of the bankruptcy law, passed by the Fifty-seventh Congress, second session, on January 28, 1903," of which 10,000 copies shall be for the use of the Senate and 20,000 copies for the use of the House.*

Mr. MANN. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. HEATWOLE. I do.

Mr. MANN. I call the attention of the gentleman in charge of the resolution to the fact that he proposes to print a House bill which has since been enacted into a law. It would be far better to print the law. The bill has come into the House as a conference report and is now a law and is in print as a law. It would be perfectly preposterous to print the bill in connection with the original bankruptcy act when we have a law amending the bankruptcy law.

Mr. BARTLETT. Mr. Speaker, the object of this resolution, which I introduced, is quite plain. At the time the resolution was introduced the bill had not been signed by the President, and therefore it could not be called an act. Congress, in 1898, when it passed the bankruptcy law, provided for the publication of the bankruptcy law and for certain forms and rules of practice, to be prescribed by the Supreme Court, under a provision of the bankruptcy law. Now, we have amended that law. That amendment has become an act by reason of the signature of the President. It is very important that this be distributed, as much so as that the original law should be distributed.

Mr. MANN. Can the gentleman explain to us why we should print a bill which was pending but which has since been changed into a law?

Mr. BARTLETT. I understand the gentleman's point. I stated to him that at the time I introduced this resolution it was still a bill.

Mr. MANN. I have no doubt of that.

Mr. BARTLETT. And if he will give me the number of the act it can be very readily amended in that way, and I will offer the amendment.

Mr. MANN. I will be glad to do so. It is Public Act No. 62.

Mr. BARTLETT. That is what I intended to do, and supposed the committee would recommend the change.

Mr. MANN. I merely called the attention of the chairman to the fact that if it was to be printed it better be printed in the form of the law.

Mr. BARTLETT. Certainly.

Mr. HEATWOLE. Mr. Speaker, I will move the amendment suggested by the gentleman from Illinois.

The SPEAKER. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 9 strike out the words and figures "House bill 13679," and insert the words "Public Law No. 62."

Mr. HEPBURN. Mr. Speaker, I would ask the gentleman if it would not be wise to further amend this resolution so as to provide that these volumes should be bound in sheep rather than in paper. In paper they will be worthless. If we are going to have them at all, let us have them in durable form, so that they will be of some value.

Mr. HEATWOLE. I would suggest, Mr. Speaker, that instead of being bound in sheep they be bound in half morocco.

Mr. HEPBURN. No; that is too expensive.

Mr. HEATWOLE. It is not any more expensive than sheep, and is more durable.

The SPEAKER. The gentleman offers a further amendment, which the Clerk will report.

Mr. HEATWOLE. To be bound in half morocco.

The SPEAKER. The Clerk will report the further amendment. The Clerk read as follows:

In line 3 strike out the word "paper" and insert "half morocco."

Mr. PAYNE. I should like to suggest to the gentleman whether he had not better have the lawyers' names to whom these volumes are to be sent put on in gilt—stamped on each volume?

The SPEAKER. The question is on agreeing to the amendment.

Mr. CANNON. I want to say a word about the resolution. First, I want to ask the gentleman from Iowa [Mr. HEPBURN] if he will have the kindness hereafter to blue print his humor. [Laughter.] I want to ask a question of the gentleman from

Minnesota [Mr. HEATWOLE], whether this bankruptcy law is not printed, first bound in paper and then in calf, along with the other session laws?

Mr. HEATWOLE. I think the law is printed.

Mr. CANNON. It is printed the same as all other laws, and in the number that all other laws are printed. After all, is not that enough? The law-book publishers print it. It is printed by the Government—printed as a separate act—I do not know how many copies. My friend from Minnesota can tell me how many little pamphlet copies are printed of each law—the bankruptcy law or any other law.

Mr. HEATWOLE. I think each member gets 13 or 14 copies.

Mr. CANNON. Fourteen copies of every law that is passed come in the shape of a pamphlet.

Mr. HEATWOLE. A supplement.

Mr. CANNON. But they print them as separate pamphlets. How many of those?

Mr. MANN. They only print the usual number.

Mr. CANNON. How many?

Mr. HEATWOLE. Sixteen hundred and eighty-two is the usual number, and one for each member goes into the document room.

Mr. CANNON. But I am speaking of the acts. A bill passes to-day, and some time next week we can send to the document room and get a copy of it. How many of those is each member entitled to?

Mr. HEATWOLE. One or two.

Mr. CANNON. But I have got as high as half a dozen.

Mr. MANN. Then you got somebody else's copy.

Mr. CANNON. I never found any scarcity.

Mr. HEATWOLE. I wondered where all these things were going. [Laughter.] That is one reason why the Printing Committee have been so active.

Mr. CANNON. I have got as high as a dozen, and I never got a dozen of more than any one act, or any other number of any one act that was passed in any one Congress.

Mr. HEATWOLE. You got several that belonged to other districts.

Mr. CANNON. And I suppose other people got some that belonged to my district, of all the others except perhaps one that I had a constituent that had some special interest in knowing about it. What I want to say is this: Why should we single out this one act and print 30,000 copies of it, and not 30,000 copies of all of the rest of the public acts?

Mr. THAYER. Mr. Speaker—

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Massachusetts?

Mr. HEATWOLE. Yes.

Mr. THAYER. I want to say in answer to the gentleman that it is because there will be a hundred applications for this bill where there is one application for almost any other bill passed at this session.

Mr. HEATWOLE. I withdraw my amendment in regard to half morocco, and insist on the original resolution.

The SPEAKER. The gentleman withdraws his second amendment?

Mr. HEATWOLE. Yes.

Mr. PAYNE. I should like to ask the gentleman from Minnesota if it is not a fact that every lawyer in the United States who does business in bankruptcy now has in his office all of this publication except three or four pages of amendments that have recently become law?

Mr. HEATWOLE. I do not think so.

Mr. PAYNE. Then if they have not copies of this act and the rules of the referee, and so forth, they are not equipped to practice in the bankruptcy courts. They must have them.

Mr. HEATWOLE. I would ask to hear from the chairman of the Judiciary Committee [Mr. JENKINS] on that point. He has insisted on this printing being done.

The SPEAKER. How much time is yielded?

Mr. HEATWOLE. Two or three minutes.

Mr. JENKINS. I did not hear the question of the gentleman.

Mr. HEATWOLE. I wish the gentleman from Wisconsin would answer the question of the gentleman from New York [Mr. PAYNE].

Mr. JENKINS. I did not hear the question.

Mr. PAYNE. I will ask the gentleman if it is not all printed and not already contained in this publication, except the three or four pages of amendments recently passed by this Congress?

Mr. JENKINS. I do not know; but I will say to the gentleman from New York that I am informed at the document room that they have had over 3,000 applications for this document that they can not supply, and I think it is but fair to this House to say that the Judiciary Committee have had at least 2,000 applications, and it is desired that the whole thing shall be complete.

Mr. PAYNE. Why do they not borrow money enough to buy a copy?

Mr. JENKINS. I can not answer that question. I know there is a great demand, and that it is one of the most valuable documents printed by the Government. If it is not printed, it is impossible to get it. It is not printed by the law publishers.

Mr. PAYNE. While I have had a number of applications for these amendments, I have not had an application from a lawyer in my district for the original bankruptcy law.

Mr. JENKINS. That may be the case in the gentleman's district, but the demand exists for them from all the different parts of this country.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The concurrent resolution as amended was agreed to.

LAW OF CIVIL GOVERNMENT UNDER MILITARY OCCUPATION.

Mr. HEATWOLE. I offer the following.

The Clerk read as follows:

Senate concurrent resolution 48.

*Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of the Reports on the Law of Civil Government under Military Occupation, submitted to the Secretary of War by Charles E. Magoon, law officer, Division of Insular Affairs, War Department, of which 1,400 copies shall be for the use of the Senate, 2,800 for the House of Representatives, and 800 for the War Department.*

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. I reserve the point of order that this is not a privileged resolution.

Mr. HEATWOLE. It was not offered as a privileged resolution.

The SPEAKER. Does the gentleman from Mississippi object?

Mr. WILLIAMS of Mississippi. I made the point of order that it is not privileged.

The SPEAKER. The point of order is sustained.

Mr. LESSLER. Will the gentleman withhold his point of order?

GAZETTEER OF THE PHILIPPINE ISLANDS.

Mr. HEATWOLE. Mr. Speaker, I offer the following.

The Clerk read as follows:

House concurrent resolution 65.

*Resolved by the House of Representatives (the Senate concurring), That there be printed, and bound in cloth, 8,000 copies of a reprint of the Gazetteer of the Philippine Islands, 2,000 copies for the use of the Senate, 4,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the War Department.*

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. HEATWOLE. I do.

Mr. MANN. There is no provision in this resolution for printing the maps that are in this gazetteer. If the action of the House a few days ago upon the sundry civil bill should be made law the gazetteer would be printed without the maps being made a part of it if this resolution should pass.

Mr. HEATWOLE. It is all that is asked for by the insular division of the War Department now.

Mr. MANN. The gentleman is probably not aware that the House inserted a provision the other day in the sundry civil bill that no document ordered printed should contain maps or illustrations or anything except printed matter unless specifically authorized at the time the order for printing was made.

Mr. HEATWOLE. This provides for a reprint of the gazetteer.

Mr. MANN. I will call the gentleman's attention to the fact that if the provision which the House inserted in the sundry civil bill becomes law, the Public Printer is directed not to insert maps or illustrations in any matter ordered to be printed by the House unless a special order be made authorizing it.

Mr. WILLIAMS of Mississippi. That is only applied to the departments.

Mr. MANN. It expressly stated printing matter ordered by Congress.

The SPEAKER. Is there objection?

Mr. MOON. I object.

The SPEAKER. Objection is made by the gentleman from Tennessee.

On motion of Mr. HEATWOLE, a motion to reconsider the various votes by which the several resolutions were agreed to was laid on the table.

LEAVE TO PRINT.

Mr. LOUDENSLAGER. Mr. Speaker, I present the following from the Committee on Pensions, and ask its passage.

The Clerk read as follows:

*Resolved, That authority is granted to print and bind for use of the Committee on Pensions all documents deemed necessary in connection with subjects considered or to be considered by said committee during the Fifty-seventh Congress.*

The SPEAKER. Is there objection?

Mr. MOON. I object.

The SPEAKER. Objection is made by the gentleman from Tennessee.

# REPRINT OF BILL.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent for a reprint of Senate bill 6486 and Report 3389, an act providing for the appropriate marking of the graves of soldiers and sailors of the Confederate army and navy. There is a demand for them that can not be supplied.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I wish to raise the point of order. Almost every morning the time of the House is taken up asking for the reprint of bills. Is it not in order to go to the committee from which the bill came and get an order from that committee for a reprint without taking up the time of the House?

The SPEAKER. The Chair is of the opinion that that power would not belong to the committee.

Mr. UNDERWOOD. As I understand the rule, the committee has the right to order a reprint.

Mr. RICHARDSON of Tennessee. I think, Mr. Speaker, if the gentleman went to the Committee on Printing he could get a reprint.

The SPEAKER. That would be the proper course.

Mr. UNDERWOOD. I have no objection, Mr. Speaker, but I think the gentleman should go to the Committee on Printing and not take up the time of the House when he can as well get it there.

The SPEAKER. This, however, is the usual course, the Chair will say to the gentleman. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

# ORDER OF BUSINESS.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent that on Tuesday next, immediately after reading the Journal, the House shall proceed to consider the bill (H. R. 15520) to establish a standard of value and to provide for a coinage system for the Philippine Islands, with Senate amendments and with amendments reported by the Committee on Insular Affairs.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on Insular Affairs, asks unanimous consent that House bill 15520, with Senate amendments and amendments reported by the Committee on Insular Affairs, be set down for hearing on Tuesday next, immediately after the approval of the Journal. Is there objection? [After a pause.] The Chair hears none.

# PROTECTION OF THE PRESIDENT OF THE UNITED STATES.

Mr. OVERSTREET. Mr. Speaker, I call up the conference report on the bill (S. 3653) for the protection of the President of the United States, and for other purposes, and I ask that the report be read and the reading of the statement omitted.

The SPEAKER. The gentleman from Indiana calls up the conference report on the Senate bill 3653, and asks that the statement be read and the reading of the report be omitted.

Mr. OVERSTREET. No, Mr. Speaker, I ask that the report be read and the reading of the statement be omitted.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

The Clerk read the report.

[For report see proceedings of the House, Thursday, February 19, 1903.]

Mr. OVERSTREET. Mr. Speaker, this is a unanimous agreement on the part of the conferees between the two Houses. Unless some gentleman desires special explanation, I shall not take the time of the House to discuss it, and I ask that the report be adopted.

Mr. BARTLETT. Mr. Speaker—

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Georgia?

Mr. OVERSTREET. I do; I yield for a question.

Mr. BARTLETT. I understand the gentleman to say that all House conferees have agreed upon this substitute for both House and Senate bill, which has been printed in the RECORD and is now before the House.

Mr. OVERSTREET. Yes.

Mr. BARTLETT. I understand also that this substitute, offered by the conferees as a substitute for both House and Senate bills, strikes out this provision of the bill that passed the House, and was reported by the Judiciary Committee at the last session, April 4, 1902, these words "in the performance of his official duty" or "because of his official character" or "because of his official acts," etc.

Mr. OVERSTREET. Those words of limitation were omitted so far as they might relate to the attack on the President or Vice-President, or upon any person who may at the time be acting as President. The words of limitation are retained in other portions of the bill.

Now, just one word of explanation. This is not a substitute

entirely on the part of the conferees. Members will recall that the parliamentary status of this legislation is about as follows: The Senate bill was passed and the House amended it by way of a substitute. The Senate disagreed to that amendment and a conference was agreed upon. Certain features of the House bill, almost entirely the House bill, were agreed upon by the conferees, but, for the purpose of convenience, instead of striking out certain lines and inserting words, the conferees determined to make one amendment, and that is why it appears as an entirely new bill. These features of the House bill relative to immigration, naturalization, and the teaching of the duty to kill or attack public officials, or for the advocacy of no government, are retained substantially as they appear in the House bill. The only material change in the House bill is the elimination from it of the words of limitation just stated by the gentleman from Georgia in attacks upon the President or Vice-President. These words of limitation are retained when attacks are made on those officers of the Government in line of succession to the Presidency.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. OVERSTREET. Certainly.

Mr. BARTLETT. The gentleman remembers the report made by Mr. Ray, then chairman of the Judiciary Committee, which I take it for granted, not hearing any dissent from the gentleman from Indiana, that he agreed with the gentleman from New York, the chairman of the committee, who made the report. And in that report the chairman of that committee, speaking for the majority at least of the committee—all except the gentleman from Wisconsin [Mr. JENKINS] and the gentleman then a member from Texas, Judge Lanham, these two gentlemen presenting minority views—stated that the Senate bill, which did not have these words of limitation on it when it came over from the Senate (as I understand the gentleman from Indiana to say the bill which comes here from the conference committee in lieu of both the Senate and the House bills has not) was obnoxious to the Constitution of the United States because it did not have that limitation upon it.

The gentleman from Indiana and the House will remember with what ability that proposition was argued upon the floor of the House by the then chairman of the Judiciary Committee, Mr. Ray, of New York, a gentleman who has demonstrated his ability as a lawyer in this House and elsewhere, and who has been promoted to a high judicial position upon the Federal bench by reason of such eminent ability. I should like to know whether the gentleman from Indiana has changed his views upon the legal proposition which was then presented in the report of the Judiciary Committee. The then chairman of the Judiciary, I repeat, in this report which I hold in my hand, and in a learned and exhaustive argument on the floor of the House, held that the legislation then sought by the Senate to be enacted in lieu of the House bill was unconstitutional. The gentleman from Indiana, as I understand, has changed his views upon that question.

Mr. OVERSTREET. I am ready to answer the gentleman.

Mr. BARTLETT. I am not indulging in any carping criticism at all. I simply want information.

Mr. OVERSTREET. I call the attention of the gentleman from Georgia [Mr. BARTLETT] to the fact that in the debate at the time referred to by the gentleman, the then chairman of the Judiciary Committee, Mr. Ray, stated that while it was his individual opinion that though the President was to be regarded as being always in the performance of his duty—ready as Commander in Chief of the Army and Navy to discharge such duty—yet, out of abundance of caution, and entertaining possibly some doubt but not conviction that there might be a time when he was not so engaged, agreed to those words of limitation. He at no time, as I understand, made a positive statement in the debate (although I am not disputing the fact as to the report) that there was some doubt about the necessity of the words of limitation as to the President. The gentleman will remember that in all legislation there is more or less of compromise; and the House conferees, in view of the fact that the Senate was in a disposition to entertain practically all of the House measure, except so far as these words of limitation in the first section are concerned, were of the unanimous opinion—the gentleman's colleague on the minority of the committee, the gentleman from Missouri [Mr. DE ARMOND] agreeing with me—that perhaps it would be better to accept that amendment in view of our obtaining so large concessions for the remainder of the House bill.

Personally, at the time of the discussion within the committee, I took the position, as the gentleman will perhaps recall, that the words of limitation were not necessary; and hence, while I acceded to the majority report, I did not waive the conviction which I still entertain, that the measure is constitutional, even with the elimination of those words of limitation.

Mr. BARTLETT. I believe I recall that the gentleman did make that statement. But the then chairman of the Judiciary Committee, Mr. Ray, in his report and in his argument upon the floor of the House, did not intimate that there was any doubt as

to the constitutionality of these provisions without this limitation; but in his report, referring to the first six sections of the Senate bill (which I hold in my hand), he declared that "the first six sections of the Senate bill are undoubtedly unconstitutional," and he went on to argue from the decisions of the Supreme Court, supported by citations of cases referred to in that report, to sustain that proposition, that the Senate bill was unconstitutional.

So that, whatever may have been the opinion of the gentleman from Indiana about the subject at the time, whatever is his opinion now, the Judiciary Committee at that time, represented by its able chairman in a report which he made, and represented on this floor by the able argument which he made in support of his position, were of the opinion that any bill (this happened to be called the Senate bill)—that any legislation which did not contain these limitations was unconstitutional.

Now, will the gentleman permit me one minute more to explain my position? I did not vote for the bill reported by the Committee on the Judiciary at that time; I am not prepared to vote for this substitute. But it occurs to me that after having passed our legislation on this subject in the early part of the first session of the present Congress, and our measure having come back to us from the Senate, and having been sent into conference, and coming from the conference committee after a lapse of nearly ten months, I believe that if we are to pass legislation on this subject, which we all know was demanded by the terrible tragedy enacted in this country in September, 1901, we ought to pass legislation which will stand the test of the courts.

If we are to transfer from the jurisdiction of the State courts the trial of these cases, whenever any such thing shall occur again, if we are to transfer such cases to the jurisdiction solely of the Federal courts, then, when we take such cases away from the State jurisdiction, where trial and punishment have always been and will continue to be speedy and certain, we ought not at least to enact a law which this House by its vote has once declared unconstitutional—"undoubtedly" so, in the language of the former chairman of the Judiciary Committee of this House.

I shall not vote for this substitute, as I did not vote for the original bill. I am less inclined to vote for the substitute than I was for that bill, because in my judgment, having investigated the question somewhat at the time when the bill was formerly before the House, having made some remarks upon it in the line of my present position, I am still convinced, in view of the decisions of the Supreme Court, that under our Constitution Congress has not the right or power to enact simply that it shall be a crime to assault the President or the Vice-President or any other Federal officer when he is not in fact in the discharge of his official duties, and give the courts of the United States exclusive jurisdiction of such offenses regardless of the place where such offenses are committed.

While we were all anxious to throw around the President of the United States proper protection from assault or violence, I felt to accept this substitute reported by the conferees would be a useless and fruitless thing, when it shall ever occur again, which God forbid, that the President of the United States is assaulted or slain. The Federal courts have no jurisdiction of that offense, because we have not limited it in the way, in my judgment, the Constitution of the United States requires it shall be limited, and for these reasons I shall not vote for the substitute and shall vote against the conference report. I thank the gentleman for the courtesy he has extended.

The SPEAKER. The question is on agreeing to the conference report.

The report was agreed to.

On motion of Mr. OVERSTREET, a motion to reconsider the last vote was laid on the table.

#### WAR CLAIMS, OMNIBUS RESOLUTION.

Mr. MAHON. Mr. Speaker, on the 16th of January the War Claims Committee had the floor and recommended the passage of a few small bills and among them a resolution referring some cases to the Court of Claims. All were passed with the exception of the resolution, and on a call of the yeas and nays a quorum did not develop, but the vote showed that nearly two-thirds present voted in favor of the passage of the resolution. In order to save the time of the House, I move that the vote ordering the yeas and nays be reconsidered.

The SPEAKER. That would have to be by unanimous consent.

Mr. MAHON. Then, Mr. Speaker, I ask unanimous consent that that vote may be reconsidered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the order by which the yeas and nays were ordered upon a resolution reported, numbered 362, referring a certain number of matters to the Court of Claims, be vacated. Is there objection. [After a pause.] The Chair hears none.

Mr. MAHON. I now move that the resolution as amended do pass.

Mr. RICHARDSON of Tennessee. Mr. Speaker, pending that I want to ask a question. I do not want to amend the bill, but by inadvertence or clerical error the name of John T. Lawrence, deceased—

Mr. MAHON. It is in the original bill.

Mr. RICHARDSON of Tennessee. It was in the original bill and has been left out through a purely clerical error.

Mr. MAHON. Yes.

Mr. RICHARDSON of Tennessee. I hope it will be inserted. I have submitted the matter to the gentleman from Wisconsin [Mr. OTJEN] who reported it, and also to the gentleman from Pennsylvania. I rise simply to have that inserted.

Mr. MAHON. I have no objection to the correction.

The SPEAKER. If it was in the original bill it is entitled to come in now, and that understanding will be had if there is no objection. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. MAHON, a motion to reconsider the last vote was laid on the table.

The resolution above referred to is as follows:

Resolved, That the bills (H. R. 6511, H. R. 9380, H. R. 10014, H. R. 5042, H. R. 8252, H. R. 9479, H. R. 5717, H. R. 5720, H. R. 10129, H. R. 10128, H. R. 10081, H. R. 1764, H. R. 2211, H. R. 8377, H. R. 3276, H. R. 10123, H. R. 10867, H. R. 5564, H. R. 8930, H. R. 12060, H. R. 8265, H. R. 8006, H. R. 13965, H. R. 5493, H. R. 5491, H. R. 5502, H. R. 5507, H. R. 5508, H. R. 5484, H. R. 11143, H. R. 12747, H. R. 12748, H. R. 12603, H. R. 13903, H. R. 8264, H. R. 10349, H. R. 6715, H. R. 3279, H. R. 7421, H. R. 12445, H. R. 13518, H. R. 13521, H. R. 3423, H. R. 5976, H. R. 14901, H. R. 3613, H. R. 3719, H. R. 1773, H. R. 7438, H. R. 11041, H. R. 2915, H. R. 8223, H. R. 13030, H. R. 13948, H. R. 10709, H. R. 13965, H. R. 2517, H. R. 5493, H. R. 5491, H. R. 5502, H. R. 5507, H. R. 5508, H. R. 11143, H. R. 12747, H. R. 12748, H. R. 13903, H. R. 8144, H. R. 13903, H. R. 6722, H. R. 6395, H. R. 4193, H. R. 10584, H. R. 8607, H. R. 12711, H. R. 10284, H. R. 8372, H. R. 3537, H. R. 5087, H. R. 2949, H. R. 15017, H. R. 11643, H. R. 2795, H. R. 8903, H. R. 7861, H. R. 10995, H. R. 3435, H. R. 3438, H. R. 16417, H. R. 1493, and H. R. 14956) for the relief of the legal representatives of Sewell B. Corbett, deceased; Sarah Grissom; Griffith W. Paxson; William C. O'Brien; Thomas R. Hill; William B. Payne; Sam M. Nally; Fannie Pemberton; heirs of Richard F. Wasson, deceased; heirs of Benjamin Lillard, deceased; William T. Trammel; John J. Vincent; Washington College; Amos L. Griffith; Sophie Gustin and Helen G. Logan; Bettie Linder; Louis Levy; Henry Judge; St. Andrew's Lodge, No. 18, Free and Accepted Masons, of Cynthia, Ky.; Lucy C. Lee, E. S. Lee, John G. Lee, Fannie Lee, and Maria Frazee; Mrs. E. Taylor; Martha E. West; legal representatives of James Smith, deceased; Willis Cornwell; heirs of J. W. Cloyd, deceased; heirs of John B. Baird, deceased; heirs of Robert Hallum, deceased; J. M. Sparkman; Wesley W. Elam; John Smith; Mary J. Moody; John Mincey; estate of Kinchen Bell, deceased; John D. Youell; W. G. Anderson; Daniel Mans; James N. Kennett; Kellet A. Abercrombie; estate of August Heberlein; Mrs. A. E. Harding; Julia A. Pierce and John Pierce, heirs of John C. Pierce, deceased; legal representatives of H. S. Thompson, deceased; Louis Scofield, Jr.; William E. Cummin; legal representatives of W. L. Gordon, deceased; William B. Bayless; heirs of William Freeman, deceased; heirs of James Goodloe, deceased; E. H. Dunaway; Alfred Griffith; T. L. Owens, administrator of T. G. Owens, deceased; John A. Bates; Baptist Church of Flemingsburg, Ky.; Elizabeth Redmon and others, heirs of John Redmon, deceased; C. C. Huckabee; James Smith; William I. Way; Willis Cornwell; J. W. Cloyd; John B. Baird; Robert Hallum; J. W. Sparkman; Wesley W. Elam; John Smith; Mary J. Moody; John Mincey; Kinchen Bell; H. W. Rookwood; John D. Youell; estate of Michael Haak, deceased; Agnes and Maria De Leon; heirs of Melchisedec Robinson, deceased; estate of Eben N. Davis, deceased; estate of Daniel H. Avery, deceased; legal representatives of Jo. C. Stark, deceased; heirs of M. H. Wells, deceased; J. B. Roberson, administrator of J. P. Roberson, deceased; S. P. Martin, heirs of John T. Lawrence, deceased; estate of C. G. Raleigh, deceased; Peyton Atkins, estate of S. M. Davidson, deceased; heirs of Mrs. Susan L. Bailey, deceased; John Barfield; estate of John Kirk; trustees of the Cumberland Presbyterian Church, of Charlotte, Tenn., and T. P. Salter, heirs of Alexander Bradshaw, heirs of Andrew J. Surber, and heirs of O. H. Cogswell, the heirs of William Hereford, deceased, with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims for a finding of facts under the terms of the act approved March 3, 1887, and generally known as the Tucker Act.

#### FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole—

Mr. PADGETT rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. PADGETT. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PADGETT. I rise to inquire if it will now be in order to move that the House resolve itself into the Committee of the Whole House to consider claims upon the Private Calendar of the Committee on War Claims, this being Friday and the day set apart for the business of that committee.

The SPEAKER. That motion will be proper unless one of higher order comes in, and the Chair has just recognized the gentleman from Indiana to call up the fortification bill.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the purpose of considering the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. PADGETT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PADGETT. Is that a privileged motion over the regular business set apart for this day?

The SPEAKER. The Chair thinks it is, undoubtedly.

Mr. PADGETT. Another parliamentary inquiry. If this be

voted down by the House, will it then be in order to make the motion to which I referred?

The SPEAKER. That will undoubtedly be in order. It may be in order to renew that, or make any other motion which is in order.

Mr. PADGETT. Then I hope the House will vote down the motion of the gentleman.

The SPEAKER. The question is on the motion of the gentleman from Indiana, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the fortifications appropriation bill.

The question was taken; and on a division (demanded by Mr. PADGETT) there were—ayes 71, noes 42.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17046, the fortifications appropriation bill, with Mr. STEVENS of Minnesota in the chair.

Mr. HEMENWAY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HEMENWAY. Mr. Chairman, the report of the committee is so clear that I ask that the Clerk read it in my time in explanation of the bill.

The CHAIRMAN. The report will be read in the time of the gentleman.

The Clerk read as follows:

The Committee on Appropriations, in presenting the accompanying bill making appropriations for fortifications and other works of defense, and for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, submit the following in explanation thereof:

The estimates on which the bill is based will be found in the Book of Estimates for the fiscal year 1904, pages 246-253, and aggregate \$15,004,420, of which sum there is recommended in the accompanying bill appropriations amounting to \$7,083,943, which sum is \$205,012 less than was appropriated in the last fortification act.

During the Forty-ninth Congress (fiscal years 1887 and 1888) no appropriations were made on account of fortifications, their maintenance and armament, and for the twelve fiscal years 1875 to 1886, inclusive, the appropriation by Congress on this account averaged only \$540,750 per annum, and only \$463,500 per annum for the fourteen years including 1867 and 1868, for which latter two fiscal years no specific appropriations were made, as stated.

The bill reported herewith contains appropriations in continuance of the policy adopted by the Fiftyth Congress in the passage of the acts approved September 22, 1888, and March 2, 1889, and by the Fifty-first, Fifty-second, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses in acts approved August 13, 1890, February 24, 1891, July 23, 1892, February 18, 1893, August 1, 1894, March 2, 1895, June 6, 1896, March 3, 1897, May 7, 1898, March 3, 1899, May 25, 1900, March 1, 1901, and June 6, 1902.

The appropriations by said acts for the fiscal years 1889-1903 aggregate \$75,718,243.50, or an average of \$5,047,882.90 per annum.

Of the whole sum, \$75,718,243.50, appropriated by the fortification acts covering the fifteen fiscal years 1889-1903, the sum of \$45,845,301 was appropriated in the seven fortification acts enacted by the present and the last three Congresses.

The fortification appropriation acts enacted during the Fifty-fifth Congress appropriated \$14,287,306, in addition to which amount sums aggregating \$8,674,808 were provided in deficiency appropriation acts for fortifications and the armament thereof, and the further sum of \$12,865,840.60 was allotted for the same objects from the general appropriation of \$50,000,000 made for the national defense in the act of March 9, 1898, making in all \$35,828,134.60 available for fortifications and the armament thereof under appropriations made during the Fifty-fifth Congress.

The total appropriations made for fortifications and other works of defense since 1888 and since the recommendations of the Endicott board of 1885, including the appropriations made in deficiency acts and allotments made from the national-defense fund, amount to \$96,752,982.

The scheme of seacoast fortifications contemplated by the Endicott board, and which has been followed by Congress in the appropriations made since 1888, it is now estimated will cost in the aggregate \$99,332,222, of which sum there has been already provided \$57,508,983, the Engineer Department having received \$25,757,164 and the Ordnance Department \$31,608,586.

The difference between the sum, \$57,508,983 already provided toward the scheme of the Endicott board and the sum total of appropriations, \$96,752,982, for fortifications since 1888 is represented in expenditures for erecting and equipping the gun factory at Watervliet, the gun-carriage factory at Watertown, the Ordnance and Fortification Board, purchase of land for fortification sites, torpedoes for harbor defense, providing ammunition for service and for tests, manufacture of field guns, and for sundry other objects incident to providing and maintaining a system of seacoast defenses.

The following shows the aggregate amount appropriated under each natural subdivision of the accompanying bill, namely:

Gun and mortar batteries	\$2,226,425
Searchlights for defenses in important harbors	223,500
Sites for fortifications	200,000
Installation of range and position finders	150,000
Preservation and repair of fortifications	300,000
Plans for fortifications	5,000
Tools, etc., for maintaining and operating electric plants	35,000
Sea walls and embankments	89,575
Construction of mining casemates, etc.	50,000
Purchase of submarine mines, etc.	100,000
Torpedo depot at Fort Totten	3,000
Armament of fortifications	3,480,500
Proving ground, Sandy Hook, N. J.	77,943
Frankford Arsenal, Pa.	43,000
Ordnance and Fortification Board	100,000
Total	7,083,943

Mr. HEMENWAY. Mr. Chairman, unless some gentleman wants to propound a question to me, I will ask the Clerk to read. The Clerk proceeded to read the bill.

Mr. CUSHMAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert the following as a new section:

"To the heirs of Dr. Hiram P. Tuttle, as compensation for his labors in the invention and perfection of the high explosive thorite, which high explosive was used by the United States Government, the sum of \$25,000: Provided, however, That all formulae, data, and facts relating to the process, necessary to the successful manufacture of said thorite, shall be placed in the possession of the Secretary of War; and the said heirs of Dr. Hiram P. Tuttle shall by proper instrument convey to the United States the right to manufacture and use said high explosive thorite before said \$25,000 payment shall be made to them. The said sum of \$25,000 for said purpose is directed to be taken from the appropriation of \$100,000 made by act of Congress making appropriations for fortifications and other works of defense, approved March 1, 1901, for the purpose of securing the high explosive thorite and the Isham high explosive shell."

Mr. HEMENWAY. Mr. Chairman, I reserve the point of order. I will ask the gentleman if he will provide in his amendment that this shall be in full for all claims of Dr. Tuttle's heirs.

Mr. CUSHMAN. I am perfectly willing to accept the suggestion of the gentleman from Indiana, and suggest the insertion in the amendment which I have already offered, near the close of the amendment, after the phrase "that the said sum of \$25,000 for said purpose," insert the words "shall be in full for all claims of the heirs of the said Dr. Hiram P. Tuttle."

The CHAIRMAN. The gentleman from Washington asks unanimous consent to modify his amendment. Is there objection?

Mr. MOON. Let us hear the amendment read.

The Clerk read as follows:

Modify the last paragraph of the amendment so that it will read: "The said sum of \$25,000 for said purpose shall be in full for all claims of the heirs of the said Dr. Hiram P. Tuttle."

The CHAIRMAN. Is there objection to the amendment to the amendment proposed by the gentleman?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. TAYLER of Ohio. Mr. Chairman—

Mr. PADGETT. Mr. Chairman, a point of order was reserved to the whole amendment.

The CHAIRMAN. The Chair so understands.

Mr. CUSHMAN. Mr. Chairman, in the beginning of this discussion I would say this is practically the same amendment which I offered a year ago and which the committee at that time did me the honor to adopt. But when my amendment, adopted a year ago in this House, reached the Senate that item was dropped from the bill. This condition of affairs is my excuse for again pressing upon the attention of this body a matter upon which they once favorably passed.

The facts in relation to this matter I wish to recite very briefly. Dr. Tuttle resided for many years in Tacoma, in the State of Washington, which city is my home. I knew him intimately for twelve years, he being my family physician, and he was one of the best and brightest men it has ever been my privilege to know.

Dr. Tuttle was the inventor of what is known as "thorite," which was proved, under actual test by the Board of Ordnance and Fortification of the United States, to be one of the greatest high explosives known to man. After the Doctor brought his explosive to the attention of the officials of this Government some objections were made to certain qualities and characteristics of his explosive. Dr. Tuttle labored for a number of years largely under the supervision of the War Department and the Ordnance Department of this Government to bring this explosive to the point of perfection. That he did bring this explosive to the point of perfection is attested by the fact that the Board of Ordnance and Fortification adopted the following resolution in relation thereto:

As "thorite" is the safest and most effective high explosive that has been presented to and tested under the direction of this board, it is the opinion of the board that Dr. Tuttle is entitled to a reasonable compensation for his invention, and it is recommended that he be so compensated.

As a further evidence of the fact that this explosive was considered a success I may state that the records of the War Department show that they had Dr. Tuttle in his lifetime manufacture for the Government 7,000 pounds of this explosive, part of which they sent to the Philippine Islands. I state these facts to show that this amendment offered here by me to-day is not an effort to have the Government pay a doubtful debt or for a worthless compound, but, on the contrary, if this amendment is adopted it will be a late recognition on the part of the Government for an invention the benefit of which we have long had the use of.

There is no disposition on my part to press this claim here to-day on sympathetic grounds, but I may be pardoned for mentioning in passing—for the Doctor was my friend in his lifetime—that after he spent years of labor to bring this invention to perfection he had the bitter misfortune to see others reap the

rewards of his labor. He died, as I believe, under the effects of his disappointment. This phase of the matter I will not go into further for fear I might say something that were better left unsaid.

The Secretary of War recommended during the lifetime of Dr. Tuttle that he be compensated for his labors. Let me read to you what the Secretary of War said in his official letter on this subject:

WAR DEPARTMENT, Washington, April 15, 1902.

DEAR SIR: In response to your inquiry in regard to the action taken under the clause of the fortifications act of March 1, 1901, regarding the Isham high-explosive shell and the high-explosive "thorite," I have to say that after the passage of the act which provided for the purchase of those inventions by the Secretary of War, "in his discretion and if in his judgment it will be for the best interests of the Government," I asked the advice of both the Ordnance Department and the Board of Ordnance and Fortification to aid me in forming a judgment as to whether the purchase would be for the best interests of the Government.

The Ordnance Department advised against the purchase as to both. The Board of Ordnance and Fortification advised against the purchase of the Isham shell by a vote of 4 to 2, and divided equally—3 to 3—upon the purchase of thorite. Under these circumstances I have not considered myself justified in making the purchase of either.

The Board of Ordnance and Fortification also adopted the following resolution:

"As thorite is the safest and most effective high explosive that has been presented to and tested under the direction of this board, it is the opinion of the board that Dr. Tuttle is entitled to a reasonable compensation for his invention, and it is recommended that he be so compensated."

This recommendation was approved by me, with the following annotation: "This is understood to relate not to any power of the Secretary of War, but to an appeal to powers resting in Congress alone."

I did not feel at liberty to purchase the invention under the act of March 1, 1901, because I considered myself bound to act upon a strictly business basis, giving effect to no consideration except the business interests of the United States in executing that statute.

I approved the recommendation for compensation to Dr. Tuttle, because I think his long and faithful labors, in conjunction with many officers of the United States, in seeking to develop a practical high explosive merited reward and were probably of material use in the development of the art to which they related; and I think that a just exercise of the powers which Congress possesses, but the Secretary of War does not possess, should lead to a grant of reasonable and even liberal compensation to Dr. Tuttle's heirs.

The Board of Ordnance and Fortification, since its action above mentioned, has recommended a further test of the Isham shell, and that recommendation has been approved.

Very respectfully,

ELIHU ROOT,  
Secretary of War.

HON. J. A. HEMENWAY,  
House of Representatives.

Mr. TAYLER of Ohio. Now let me ask the gentleman a question. Is it not a fact that all the rights that Dr. Tuttle had in this explosive which he is said to have discovered were transferred to the people who now own the Isham shell and "thorite?"

Mr. CUSHMAN. No; that is not correct.

Mr. TAYLER of Ohio. Were not their rights pooled in some way?

Mr. CUSHMAN. I will explain to the gentleman from Ohio when and to what extent the inventor of "thorite" and the inventor of the Isham shell pooled their rights and interests. At the time this matter was first presented to the War Department Dr. Tuttle was pressing his high explosive, "thorite," and it was conceded by the Board of Ordnance and Fortifications to be the best high explosive then known to man. At the same time Mr. Isham presented his invention in the form of a high-explosive shell, a chambered shell having several compartments therein, that mechanism being designed to lessen the jar upon the explosive contained therein. Now, then, permit me to say right here that I know nothing about the Isham shell only in a general way. I am not pretending to-day to discuss its merits or demerits. I only mention it as its connection with "thorite" has come up in this discussion. There are two boards connected with the War Department who, as I understand it, pass upon the merits of ordnance and explosives. The Board of Ordnance and Fortification, with General Miles at the head of it, strongly recommended Dr. Tuttle's explosive, "thorite." The other board, what is the name of it—

Mr. TAYLER of Ohio. The Ordnance Board.

Mr. CUSHMAN. Yes; the Ordnance Board was the other board. And it seems at this time of which I am speaking, when Dr. Tuttle was showing to this board his high explosive, "thorite," they would say to Dr. Tuttle: "We don't need your high explosive, 'thorite,' because we can take Mr. Isham's high-explosive shell."

Then when Mr. Isham presented to this same board his chambered shell they would say to him: "We don't need to purchase your chambered shell, because we can get Dr. Tuttle's high explosive, 'thorite.'" [Laughter.]

Therefore the owners of these two inventions conceived—whether they were right or not I do not pretend to say—that this board was playing one off against the other. They made, I think, some kind of an agreement to at that time present their two inventions to the War Department together and not separately. This they did. That was two years and more ago. What was the result? This House voted \$100,000 for the absolute purchase

of these two inventions. That was in the fortification bill of two years ago that passed this House.

Now, then, when that bill went from this House to the Senate the Senate amended that provision of the bill, and instead of leaving an absolute provision for the purchase of these two inventions for \$100,000, they made an appropriation of \$100,000 for these two inventions, but left the purchase of them entirely in the option of the Secretary of War. That \$100,000 is still available, because the Secretary of War has refused to exercise his option and make the purchase. Now let me go further; why has the Secretary of War refused to make this purchase? My judgment is that it was because he was not entirely satisfied with the Isham shell. These two inventions were tied together at that time by the terms of that appropriation act. He could not buy one without buying the other. He did not feel justified in purchasing both. Now, then, I have read into the RECORD in connection with my remarks to-day the letter of the Secretary of War in which he speaks in flattering terms of the work done by the inventor of "thorite." The Secretary of War says that in his judgment Congress should give to the inventor of "thorite" a reasonable compensation. That is exactly what my amendment provides.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLER of Ohio. I ask unanimous consent that the gentleman from Washington be allowed five minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the time of the gentleman from Washington be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CUSHMAN. Mr. Chairman, I do not consider that it is necessary for me to continue the discussion of this matter to any great length, but simply to state briefly what has heretofore been done in this connection. I believe that the mere recital of the record will be all that is necessary. This House twice before this has placed the stamp of its approval on practically the same proposition which I am offering to-day. The first time was two years ago when this House voted \$100,000 for the purchase of Tuttle's "thorite" and Isham's shell.

As I said, when the matter went over to the Senate, the Senate changed that provision by inserting a clause leaving the purchase within the discretion of the Secretary of War, and the Secretary of War refused to exercise that discretion because, as I believe, he was not satisfied with the Isham shell, and not that he was not satisfied with the other provision relating to Dr. Tuttle's thorite. The two were inseparable, and he could not take one without taking the other, and therefore he refused to take either.

And yet, after that time, a year ago, this House, upon my motion, adopted an amendment to this same bill appropriating \$50,000 for the purchase of Dr. Tuttle's thorite. We passed that by practically a unanimous vote. When it went over to the Senate, the Senate committee refused to accede to it and it went out. Therefore I have presented to-day, as an amendment to this bill, a provision to pay the heirs of Dr. Tuttle \$25,000 for the invention and perfection of what was said to be the best high explosive that was then known to man; a high explosive of which the War Department manufactured a thousand pounds and sent to the Philippine Islands; a high explosive that was used on the walls of Peking; a high explosive which the Secretary of War says merits a payment to the inventor of liberal compensation.

In closing let me say that the present owners of "thorite" are the widow and the children of Dr. Tuttle, who reside in the city of Tacoma, Wash. They will receive the benefit of our action to-day, and I consider it will be but part compensation and a tardy reward. You will observe that my amendment to-day has only been offered for \$25,000, one-half of the amount that this House voted on this same proposition a year ago. My reason for reducing the amount one-half was in the hope that the Senate might accede to this matter.

The House has twice voted in favor of this proposition, and I certainly think the same should be adopted to-day. I reserve the remainder of my time, Mr. Chairman.

Mr. TAYLER of Ohio. Mr. Chairman, I want to say a word. It is a matter that has been disputed whether Dr. Tuttle was entitled to any large amount of credit, and therefore to any large compensation, on account of his relations to the discovery of the explosive called thorite. I am not sufficiently acquainted with the merits of that controversy to express an opinion here upon the amendment that has just been offered by the gentleman from Washington [Mr. CUSHMAN]. I do know that the War Department has made careful tests of what is known as the Isham shell, which sustains, in the imagination of my friend from Washington, such an important relation to thorite, and the result of the experiment was that the Isham shell had an explosive capacity sufficient to burst any gun in which it was properly fired, and therefore is now out of the run, and entirely unsuited for the purpose for which it was claimed to be adapted.

Thorite has marked a distinct step in the development of explosives. It is now obsolete. It has been displaced, if it ever had a permanent place, in the armament of this country.

But I only rose, Mr. Chairman, to say one word upon another phase of this subject, if I can have order.

The CHAIRMAN. The committee will be in order. Gentlemen in the aisles will take their seats.

Mr. TAYLER of Ohio. Not that I am so anxious that others should hear me as that I shall be able to hear myself. [Laughter.] A year ago I took occasion, when this bill was under discussion, to refer to the charge that had been made against the Ordnance Department, that it was behind the times; that it was suffering from barnacles who are opposing the progress of events, and established the fact by the records of Congress and the War Department that the Ordnance Department had always been right whenever a conflict arose between it and Congress as to whether experiments should be made with certain projectiles, weapons, and explosives.

I only rise now for the purpose of supplementing that very full statement, complete up to that time, with a reference to two recent achievements of the War Department as illustrating that fact and demonstrating certain things that they have contended for: First, the Isham shell was unfit for the purpose of modern warfare, and second, that they could build, what has been thought to be impracticable and not useful from a practical standpoint in military affairs, a great 16-inch gun, built upon scientific and mechanical principles, that have justified their theoretical design, with the result that they have been able to fire a projectile weighing about 2,400 pounds, with an explosive which the Army itself has discovered and put into practical operation, with such accuracy as that the projectile itself went through the air with the exact speed that had been estimated by the Ordnance Department, and with the exact pressure on the interior of the gun which had been scientifically estimated before the firing occurred; and had exhibited to all the world, what had never been established as practical, that a great 16-inch gun could be manufactured at a reasonable figure and could become a useful part in coast fortifications.

The history of this gun is, in brief, as follows:

The board known as the "Endicott board," created by act of Congress approved March 3, 1885, for the purpose of devising a system for the coast defenses of the United States, included in its scheme of defense forty-four 16-inch guns. The Ordnance Department at once proceeded to draw up a design for the armament called for in this report; and although later the 16-inch gun was, for the time being, eliminated from the scheme of defense, largely owing to the cost of its turret emplacement, the Ordnance Department considered it advisable to build one such gun in order that the knowledge gained by such construction work might be at hand should guns of such enormous power be subsequently desired. The act of Congress of May 25, 1900, appropriated \$80,000 for the purpose of testing this type gun. In the summer of 1902 this gun was completed, and received its official test in January of 1903, the delay being caused by the difficulty of securing transportation for this enormous mass (130 tons) from the Army Gun Factory at Watervliet Arsenal to the Sandy Hook proving ground. This gun was designed to fire a projectile weighing 2,400 pounds with a velocity of 2,300 feet per second and a pressure not exceeding 38,000 pounds per square inch. The Ordnance Department was called upon to procure a powder suitable for this gun, and it is gratifying to note that although there existed no gun of sufficient power to serve as a comparison in designing the grain of this powder, the first sample tested gave a velocity of 2,307 feet, with a pressure of about 37,500 pounds.

A brief account of the recent history of the Isham shell is as follows:

Under date of March 21, 1899, the Board of Ordnance and Fortification recommended that the Chief of Ordnance procure ten 12-inch shells of Mr. Isham's design and two 12-inch steel plates, together with a sufficient quantity of explosive gelatine to load the ten shells; this with a view to testing the Isham diaphragm shell throwing high explosives. This having been approved by the Secretary of War, the Chief of Ordnance directed the purchase of the material desired by the Board of Ordnance and Fortification, and directed the tests to be made by the Ordnance board at the Sandy Hook proving ground. The results of these tests are contained in the report of this latter board dated December 16, 1899.

In view of the recent destruction of a 12-inch rifle in the test of this shell, the third and fifth paragraphs in the conclusion of the board are worthy of note. These are as follows:

"3. That the Isham system is attended with danger not only on account of the sensitive nature of the high explosive which it is intended to use, but on account of the inherent weakness of the projectile itself. \* \* \*

"5. In conclusion, the Ordnance board is of the opinion that the Isham projectile is not best adapted to the ends sought and fills no present or prospective necessity for the service."

During the years 1900 and 1901 no tests were made with the Isham projectile, although on March 1, 1901, there was appropriated \$100,000 to enable the Secretary of War, in his discretion, etc., to purchase the Isham shell and Tuttle thorite. In November the Board of Ordnance and Fortification decided to make further tests of these shells, and requested that five Isham torpedo shells be procured for test and fired from a 12-inch service rifle with varying pressures from 38,000 to 50,000 pounds per square inch, one of these shells to be first weighted with sand and without explosive charge. The final test of these projectiles with explosive charge was delayed by the preliminary tests of this sand-ballasted shell. On January 22, 1903, two Isham shells were fired from the 12-inch service rifle, the first with a charge of 500 pounds of brown prismatic powder, giving a pressure of about 42,000 pounds per square inch. The second projectile was fired with a charge of 530 pounds of powder and burst the gun explosively. The violence of the explosion can be judged from the fact that fragments of the heavy gun were found as much as 1,000 feet from the point of explosion. The bursted gun was worth \$45,000, and the cost of the test was \$18,721.86. The report of the Ordnance Board forwarding the records of firing of these two shells contains

no comment, the matter being properly in the hands of the Board of Ordnance and Fortification. The final action of this board has not been promulgated.

I am glad to add at this point a portion of an editorial appearing in the Army and Navy Journal of January 24, 1903:

#### TRIUMPH OF THE 16-INCH GUN.

The successful trial of the 16-inch rifle at Sandy Hook on Saturday, January 17, has converted into advocates for such ordnance many in and out of the Ordnance Corps who were, at least, doubtful as to the expediency of building guns of this caliber. The big gun not only realized the most sanguine expectations concerning it, but it furnished a complete vindication of the accuracy of the advance calculations of Col. J. M. Ingalls, United States Army, retired, as to what it would accomplish, which had been called in question by foreign experts. The greatest elevation of the gun on the proof carriage is 4 degrees. Taking the initial velocity of the 2,400-pound shot at 2,300 foot-seconds, the computation by Ingalls's formula gave a theoretical range at this elevation of 6,387 yards. In the trial of the gun observations from the base-end stations showed an actual range of 6,350 yards, or within 37 yards of the computed range—a difference of less than six-tenths of 1 per cent. Ingalls computed the extreme range, with the same weight of shot and the same initial velocity, at 20.9 miles.

Allowing the same per cent of difference and the actual maximum range should be 20,691 miles, or one-half of the distance between Washington and Annapolis. The artillery will be delighted to find Ingalls's formulas so reliable. Foreign ballistic experts claimed that his calculations were some miles in excess of the possibilities of the gun.

When the 16-inch gun was fired with an elevation of 1° 25', it ranged 2,500 yards. The loss in velocity of the 16-inch projectiles for the first 450 feet was not over 17 feet, or about 4 per cent of the velocity over the same initial space of 450 feet. This is due to a fact which should be emphasized in this connection—this is, that sectional density, or ratio of weight of projectile to area of cross section, increases with the caliber. Comparing the sectional densities of the 12-inch and the 16-inch projectile, both of the same form, we find that they stand in the ratio of 8 to 12 in favor of the 16-inch. The maximum ordinate of the 16-inch projectile for a range of 1½ miles may be rightly stated at 50 feet. The danger space for a battle ship includes this entire distance of 1½ miles from the muzzle and over the arc of a circle traversed by the gun.

There is a great gain in effectiveness over the 12-inch gun, and the Chief of Ordnance, General Crozier, is quite correct when he states that the successful performance of the 16-inch gun at Sandy Hook, if it does not lead to the manufacture of more guns of like caliber, will at least result in the building of a gun of caliber intermediate between the 16-inch and the 12-inch, or, say, 14 or 15 inches. This intermediate gun will probably be the next in order. All artillerymen know what flat trajectories signify and the value of the recorded performance of the new gun.

We heartily congratulate Colonel Farley—we hope by the time this article is read, General Farley—on the triumphant conclusion of the great task he has had at Watervliet in completing this gun. It will be a monument to him and to all who have had any part in the conception, progress, and completion of the work now so happily brought to a conclusion. General Crozier is quoted as saying at the conclusion of the trial at Sandy Hook:

"The tests that have been made to-day have demonstrated that if guns like this are ever needed by this country they can be turned out successfully here. When a gun has handled the largest charge of smokeless powder ever put into a gun as this one has, it is safe to say that it is an absolute success. Everything has worked to our satisfaction. There was a lot of trouble making this gun, and there were many ways in which it might have been a failure. The breech might have blown out or become jammed, but, thank goodness, nothing did happen, and the tests have been a success. Of course there is a lot of work to be done yet. The bore must be measured with a star gauge to see if the tremendous explosion has caused any permanent expansion. If there is any expansion beyond a few hundredths of an inch, it would mean the failure of the gun. This gun is something new in ordnance, and after to-day I can safely say that it has come to stay. These tests show one thing, and that is that this gun can be fired with accuracy so as to hit an enemy's vessel at from 5 to 7 miles and can get an extreme range of as far as 20 miles, which is much greater than any gun has ever attained."

During the year 1902 the following material in service was recommended by the Ordnance Department, but was not invented by Ordnance officers: The Ehrhardt eccentric breech block; the Gerdorf breech mechanism for field guns; the Ehrhardt fuze; the Warner & Swasey telescopic sight; the Warner & Swasey range finder (favorably reported by a board of artillery officers). I do not doubt that the future history of the Ordnance Department will show it to be in the same manner efficient and considerate of the outside inventor.

Mr. HEMENWAY. Mr. Chairman, I reserved the point of order so that any member of the House might insist upon it, if he so desired. For myself I do not feel like insisting on the point of order. I have gone over the history of thorites; and the gentleman from Washington has read the recommendation of the Board of Ordnance and Fortification. I have great confidence in that board. It is a board to which we submit all these propositions.

Mr. BARTLETT. Does the gentleman think this is subject to a point of order?

Mr. HEMENWAY. It is an open question, and a very close question.

Mr. BARTLETT. If it is a "very close question," and a doubtful question, whether this provision is in order on this bill, and the gentleman having made the point of order, it strikes me that the proposition ought to be one extremely meritorious, very overpowering and strenuous, to break down the rule which has been adopted for the safety of legislation on these bills.

Mr. HEMENWAY. I felt it my duty to reserve the point of order so that any member of this House might insist upon it if he felt so disposed.

Mr. BARTLETT. The gentleman has not yet withdrawn it?

Mr. HEMENWAY. I have not. Any member can insist upon the point when I get through with my statement, if he so desires.

Dr. Tuttle discovered this explosive—thorite. At the time it was discovered it was conceded by the Board of Ordnance and

Fortifications to be the best high explosive that we had. Later on something better was developed. Dr. Tuttle died. This House passed an item on this appropriation bill providing for the payment of \$100,000 for this explosive and for the Isham shell, in the discretion of the Secretary of War. The Secretary did not think it advisable to buy it; and I agree that he was right, because in the meantime there had been further discoveries—a better explosive than thorite was discovered. But the Secretary of War, believing that the discovery of thorite led to the discovery of the better explosive, thought that Dr. Tuttle ought to have some compensation, and he so states in his letter.

Now, it is proposed by this amendment to settle the controversy and to pay \$25,000 out of the \$100,000 heretofore appropriated in full for all claims against the Government in connection with this matter. Now, it is a question for the House to determine whether or not that ought to be done—whether or not at this time we ought to make this appropriation of \$25,000 and settle this controversy upon payment of that amount. I have nothing further to say.

Mr. BARTLETT. May I ask the gentleman a question before he takes his seat?

Mr. HEMENWAY. Certainly.

Mr. BARTLETT. In the ordinary course of legislation, as I understand, this is a claim against the Government; is it not?

Mr. HEMENWAY. Well, it is such a claim as has usually been settled upon this bill. All claims for such inventions have been settled in this way. We know that years ago it was claimed by civilians that when they had made a valuable invention or discovery, and went with it to the Ordnance Department, they had no chance; that the civilian was always turned down and the Army officer favored. Growing out of that, this Board of Ordnance and Fortification was provided for, composed of the General of the Army, an ordnance officer, military officers, and one civilian, who represents and stands for the rights of civilians coming before the board with inventions or discoveries.

All such questions as this are submitted to that board, and their judgment taken; and it has been the rule to allow on this bill such compensation as this board may have determined upon for these inventions or discoveries. I think that, while there may have been exceptions, this item properly belongs here, though possibly it is subject to a point of order. I do not want to determine that question. The Chair will have to determine it if the point should be insisted upon. But being in charge of this bill, I thought it due to the House that I should reserve the point of order so that any member, after hearing the explanation of the gentleman from Washington and such other gentlemen as have been heard, might insist on the point of order if it was deemed proper. So far as I am concerned, I do not know that I care to make it.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. HEMENWAY. I do not.

Mr. BARTLETT. I do.

The CHAIRMAN. The point of order is renewed. Does the gentleman from Washington wish to be heard on the point of order?

Mr. CUSHMAN. Mr. Chairman, I am perhaps not the greatest parliamentary expert in this body. [Laughter.] I regret exceedingly that a point of order has been raised upon my amendment. That regret is all the more keen because I fear that under the rules my amendment is subject to a point of order. However, I call attention in passing to the statement made by the gentleman in charge of this bill [Mr. HEMENWAY], that appropriations for types of ordnance and explosives are usually and ordinarily upon this bill—the fortification bill. Therefore a claim for compensation growing out of a matter of that character should certainly, as a matter of common sense, be presented by way of amendment to this bill, because the men in charge of this bill are the men who have the knowledge of the subject under discussion.

My amendment simply seeks to make an appropriation in line with other appropriations of a similar character that have been made on this same bill in times gone by. I trust I have made this matter perfectly clear to the Chair that this point of order can not be sustained. [Laughter.]

The CHAIRMAN. The point of order is sustained.

Mr. BARTLETT. I rise to a parliamentary inquiry. I understood the Chair to sustain the point of order.

The CHAIRMAN. The Chair sustained the point of order on the ground that this is not an appropriation for carrying on the expenses of the Government for the next fiscal year.

Mr. HEMENWAY. I move that the Committee of the Whole rise and report the bill with a recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and Mr. HEPBURN having taken the chair as Speaker pro tempore, Mr. STEVENS of Minnesota

reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and had directed him to report the same back without amendment and with the recommendation that it pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HEMENWAY, a motion to reconsider the last vote was laid on the table.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I call up the conference report on the legislative, executive, and judicial appropriation bill.

The SPEAKER. The gentleman calls up a conference report, which the Clerk will read.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent that the statement of the conferees only be read and that the reading of the report be omitted.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the statement only be read and that the reading of the report be omitted. Is there objection?

There was no objection.

The Clerk read the statement of the conferees.

[For statement and conference report see page 2358.]

Mr. HEMENWAY. Mr. Speaker, unless there are some questions which gentlemen desire to ask, or unless some one desires to discuss the report, I move its adoption.

Mr. MAHON. Mr. Speaker, I would like to be recognized.

The SPEAKER pro tempore (Mr. DALZELL). Does the gentleman yield?

Mr. HEMENWAY. How much time does the gentleman want?

Mr. MAHON. I would like about five minutes.

Mr. HEMENWAY. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania.

Mr. MAHON. Mr. Speaker, I simply rise to make a statement in reference to the business set apart for this day. This is war-claims day. On the Private Calendar there are 30 bills. They are all House bills. It would be a waste of time to attempt to pass these House bills, for they would never get through the Senate before the session closes. I insisted on passing the joint resolution and informed the parties who had opposed it that if they would allow this joint resolution to go through, which disposes of some 38 bills on the Private Calendar which, together with the 25 already passed, make over 100 bills, as chairman of that committee, I was satisfied. Now, I hope that there will be no effort made to go into the Committee of the Whole for the purpose of consideration of these bills on the Private Calendar. If that is done, I shall insist on the bills being taken up in their regular order. They are House bills, and they will never be passed by the Senate, and I ask the gentlemen who are largely interested in these war claims not to insist on that motion. I think the Speaker and the House have been eminently fair in recognizing me this morning to pass this resolution. We have all that we ought to have and should make no complaint. We can not pass everything.

Mr. PADGETT. Mr. Speaker, under the rules one Friday in every month is set apart for the consideration of war claims.

Mr. MAHON. Yes.

Mr. PADGETT. During the session that day has been systematically, almost, taken away from the consideration of war claims and something else substituted. This is the day set apart for this war-claims business. Why should we not do the business which is set apart for this day?

Mr. MAHON. We did.

Mr. PADGETT. We did not so far. We were entitled to all of to-day to consider our claims and then take our chances of getting them through the Senate. By what authority does the gentleman say that we can not pass the bills in the Senate?

Mr. MAHON. In reply to the gentleman I will say that the Committee on War Claims is unanimous in its opposition to the balance of this day being consumed in the consideration of war claims. This House permitted 88 bills to go through this morning. They were on the Calendar. We were permitted to pass them in a few minutes. Now, you could have spent a whole week of the time of this House and could not have passed those bills one at a time.

Mr. PADGETT. The House passed that resolution in committee and the time was consumed a month ago, and under the order of procedure of business it would not have required this morning over ten minutes to pass that bill. Now, why should we not go ahead with the business that was given to us this day under the rules?

Mr. MAHON. Because this House by unanimous consent or

by rule adopted gives the Committee on Banking and Currency the right of way, as the gentleman will see if he looks at his order of business.

Mr. PADGETT. The rule does not give it right of way. It allows it to be called up by the committee.

Mr. MAHON. Yes; any time.

Mr. PADGETT. But the House has the right, under the rule, to proceed with the consideration of this business.

Mr. MAHON. I will simply state to the House that all of the Committee on War Claims are satisfied with the arrangement the chairman made, for we get this day 85 bills out of this Calendar; and if this motion is made to go into Committee of the Whole for the purpose of considering bills on the Private Calendar, I ask the House to vote it down.

Mr. HEMENWAY. Mr. Speaker, I move the adoption of the conference report.

Mr. SNODGRASS rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. SNODGRASS. I rise to ask a question of the chairman of the Committee on War Claims.

Mr. HEMENWAY. I will yield for that purpose.

Mr. SNODGRASS. I would like to ask the chairman of the Committee on War Claims how many bills are on the Calendar now from the Senate?

Mr. MAHON. A great number of them, but there are a large number of House bills before them.

Mr. SNODGRASS. Could we not have time to consider the Senate bills to-day?

Mr. MAHON. No; we have to take them up in their order.

Mr. SNODGRASS. Did the gentleman make any effort to secure time for the consideration of Senate bills?

Mr. MAHON. No; because you must take up the bills as they are on the Calendar.

Mr. SMITH of Kentucky. Mr. Speaker, I should like to ask the gentleman from Indiana [Mr. HEMENWAY] a question or two. I should like to know if he can state the number of salaries which are increased by this bill and the amounts?

Mr. HEMENWAY. That information should be obtainable from the report of the conference committee.

Mr. SMITH of Kentucky. I thought the gentleman could make a brief statement.

Mr. HEMENWAY. There are very few salaries raised by the Senate. I do not think the report gives the exact number, but very few as compared with the number of salaries in the bill.

Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

On motion of Mr. HEMENWAY, a motion to reconsider the last vote was laid on the table.

#### ORDER OF BUSINESS.

Mr. FOWLER. I move that the House resolve itself into the Committee of the Whole for the purpose of considering House bill 16228, and pending that motion, I ask for the recognition of the gentleman from Massachusetts [Mr. THAYER], on the part of the other side, for division of the time.

The SPEAKER pro tempore. The gentleman from New Jersey moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House bill 16228.

Mr. BARTLETT. Mr. Speaker—

Mr. PADGETT. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. PADGETT. I rose to make a parliamentary inquiry, but it is now too late.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PADGETT. It is too late.

The SPEAKER pro tempore. The Chair will say to the gentleman that the motion while stated has not yet been put.

Mr. BARTLETT. I desire to raise the question of consideration upon this bill.

Mr. PADGETT. I want to ask if it would be in order to make a motion that the House resolve itself into the Committee of the Whole for the consideration of claims reported from the Committee on War Claims?

The SPEAKER pro tempore. It would.

Mr. PADGETT. I make that motion.

The SPEAKER pro tempore. The gentleman from Tennessee moves that the House resolve itself into the Committee of the Whole House for the consideration of claims on the Private Calendar.

Mr. PAYNE. I rise to a question of order. That can not be entertained after the motion of the gentleman from New Jersey has been made until that is voted down.

The SPEAKER pro tempore. The Chair would state to the

gentleman from New York that the precedents are all in favor of the motion made by the gentleman from Tennessee, as being of a higher character on this day, under the rule.

Mr. PAYNE. After the motion has already been made by the gentleman from New Jersey?

The SPEAKER pro tempore. Certainly. The two motions being pending, the Chair is bound to put that which is of the higher privilege. The Chair will state to the gentleman from New York that it has been so ruled many times. The question is on the motion of the gentleman from Tennessee [Mr. PADGETT], that the House resolve itself into the Committee of the Whole House for the consideration of business on the Private Calendar.

The question being taken, the Speaker pro tempore announced that he was in doubt.

On a division there were—ayes 53, noes 83.

Mr. PADGETT. Tellers, Mr. Speaker.

Tellers were ordered; and the Speaker pro tempore appointed Mr. FOWLER and Mr. PADGETT.

The House again divided; and there were—ayes 69, noes 77.

Mr. RICHARDSON of Tennessee. I call for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 96, nays 122, answering "present" 10, not voting 123; as follows:

#### YEAS—96.

Adamson,	Finley,	Lloyd,	Shallenberger,
Allen, Ky.	Fitzgerald,	McAndrews,	Sheppard,
Ball, Tex.	Flood,	McLain,	Sims,
Bankhead,	Foster, Ill.	McRae,	Slayden,
Bartlett,	Gaines, Tenn.	Maddox,	Small,
Bell,	Goldfogle,	Mahoney,	Smith, Ill.
Benton,	Gooch,	Miers, Ind.	Smith, Ky.
Billmeyer,	Gordon,	Moon,	Smith, H. C.
Bowie,	Griffith,	Padgett,	Snodgrass,
Brantley,	Hay,	Pou,	Snook,
Breazeale,	Henry, Tex.	Randall, Tex.	Spight,
Burgess,	Hooker,	Ransdell, La.	Stark,
Burleson,	Howard,	Reid,	Stephens, Tex.
Caldwell,	Johnson,	Rhea,	Sulzer,
Candler,	Jones, Va.	Richardson, Tenn.	Tate,
Cassingham,	Kitchin, Claude,	Rixey,	Thomas, N. C.
Clayton,	Kitchin, Wm. W.	Robb,	Thompson,
Conry,	Kleberg,	Robertson, La.	Trimble,
Cooney,	Kluttz,	Robinson, Ind.	Underwood,
Cowherd,	Latimer,	Rucker,	Vandiver,
Crowley,	Lester,	Russell,	Wiley,
Dayton,	Lever,	Ryan,	Williams, Ill.
Dougherty,	Lewis, Ga.	Scarborough,	Williams, Miss.
Feely,	Little,	Shackleford,	Zenor.

#### NAYS—122.

Adams,	Foerderer,	Kyle,	Reeder,
Applin,	Foss,	Lacey,	Reeves,
Bishop,	Foster, Vt.	Landis,	Scott,
Boutell,	Fowler,	Lawrence,	Shelden,
Bowersock,	Gaines, W. Va.	Lewis, Pa.	Showalter,
Brandegge,	Gardner, Mass.	Loud,	Sibley,
Bromwell,	Gardner, Mich.	Lovering,	Smith, Iowa
Brownlow,	Gardner, N. J.	McCleary,	Smith, S. W.
Burk, Pa.	Gibson,	McLachlan,	Smith, Wm. Alden
Burke, S. Dak.	Gill,	Mahon,	Sperry,
Burkett,	Gillet, N. Y.	Marshall,	Steele,
Burton,	Gillet, Mass.	Martin,	Stevens, Minn.
Butler, Pa.	Graft,	Metcalf,	Stewart, N. J.
Calderhead,	Graham,	Miller,	Sutherland,
Cannon,	Greene, Mass.	Minor,	Tawney,
Capron,	Grosvenor,	Moody,	Taylor, Ohio
Cassel,	Grow,	Morgan,	Thayer,
Conner,	Hamilton,	Morrell,	Thomas, Iowa
Corliss,	Haskins,	Mudd,	Tirrell,
Cousins,	Haugen,	Needham,	Van Voorhis,
Cromer,	Heatwole,	Nevin,	Wachter,
Crumppacker,	Hedge,	Olmsted,	Wadsworth,
Currier,	Henry, Conn.	Otjen,	Wanger,
Curtis,	Hepburn,	Overstreet,	Warner,
Dalzell,	Hill,	Palmer,	Warnock,
Davidson,	Hitt,	Parker,	Watson,
Dick,	Howell,	Patterson, Pa.	Woods,
Draper,	Hull,	Payne,	Wright,
Driscoll,	Jenkins,	Perkins,	Young.
Esch,	Jones, Wash.	Powers, Mass.	
Evans,	Ketcham,	Prince,	

#### ANSWERED "PRESENT"—10.

Bartholdt,	Deemer,	Glass,	Pugsley.
Cochran,	Fox,	McClellan,	
Coombs,	Gilbert,	Mann,	

#### NOT VOTING—123.

Acheson,	Broussard,	Davis, Fla.	Griggs,
Alexander,	Brown,	De Armond,	Hanbury,
Allen, Me.	Brundidge,	Dinsmore,	Hemenway,
Babcock,	Bull,	Douglas,	Henry, Miss.
Ball, Del.	Burleigh,	Dovener,	Hildebrandt,
Barney,	Burnett,	Dwight,	Holliday,
Bates,	Butler, Mo.	Eddy,	Hopkins,
Beidler,	Clark,	Edwards,	Hughes,
Bellamy,	Connell,	Elliot,	Irwin,
Belmont,	Cooper, Tex.	Emerson,	Jack,
Bingham,	Cooper, Wis.	Flanagan,	Jackson, Kans.
Blackburn,	Creamer,	Fleming,	Jackson, Md.
Blackney,	Cushman,	Fletcher,	Jett,
Boreing,	Dahle,	Fordney,	Joy,
Brick,	Darragh,	Glenn,	Kahn,
Bristow,	Davey, La.	Green, Pa.	Kehoe,

Kern,	Maynard,	Powers, Me.	Storm,
Knapp,	Mercer,	Richardson, Ala.	Sulloway,
Knox,	Meyer, La.	Roberts,	Swann,
Lamb,	Mickey,	Robinson, Nebr.	Swanson,
Lassiter,	Mondell,	Ruppert,	Talbert,
Lessler,	Morris,	Schirm,	Taylor, Ala.
Lindsay,	Moss,	Selby,	Tompkins, N. Y.
Littauer,	Mutchler,	Shafroth,	Tompkins, Ohio
Littlefield,	Naphen,	Shattuc,	Vreeland,
Livingston,	Neville,	Sherman,	Weeks,
Long,	Newlands,	Skiles,	Wheeler,
Loudenslager,	Norton,	Southard,	White,
McCall,	Patterson, Tenn.	Southwick,	Wilson,
McCulloch,	Pearre,	Sparkman,	Wooten.
McDermott,	Pierce,	Stewart, N. Y.	

So the motion was lost.

The following pairs were announced:

For the balance of the session:

Mr. MCCALL with Mr. MCCELLELLAN.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. SHERMAN with Mr. RUPPERT.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. DEEMER with Mr. MUTCHLER.

Mr. KAHN with Mr. BELMONT.

Until further notice:

Mr. JACK with Mr. TALBERT.

Mr. DWIGHT with Mr. GREEN of Pennsylvania.

Mr. KNOX with Mr. EDWARDS.

Mr. BEIDLER with Mr. FOX.

Mr. ACHESON with Mr. SPARKMAN.

Mr. HOPKINS with Mr. SWANSON.

Mr. MORRIS with Mr. GLASS.

Mr. LONG with Mr. NEWLANDS.

Mr. BINGHAM with Mr. ELLIOTT.

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. SOUTHWICK with Mr. NORTON.

Mr. EMERSON with Mr. GILBERT, until Monday.

For this day:

Mr. MANN with Mr. JETT.

Mr. DOVENER with Mr. BROUSSARD.

Mr. CONNELL with Mr. SHAFROTH.

Mr. STEWART of New York with Mr. LINDSAY.

Mr. HEMENWAY with Mr. COOPER of Texas.

Mr. BARTHOLDT with Mr. DINSMORE.

Mr. FORDNEY with Mr. LAMB.

Mr. IRWIN with Mr. MCCULLOCH.

Mr. LESSLER with Mr. NAPHEN.

Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.

Mr. MERCER with Mr. NEVILLE.

Mr. MONDELL with Mr. PATTERSON of Tennessee.

Mr. SCHIRM with Mr. PIERCE.

Mr. PEARRE with Mr. ROBINSON of Nebraska.

Mr. ALLEN of Maine with Mr. SELBY.

Mr. SKILES with Mr. SWANN.

Mr. SOUTHWICK with Mr. WHEELER.

Mr. SULLOWAY with Mr. WHITE.

Mr. VREELAND with Mr. WILSON.

Mr. ALEXANDER with Mr. WOOTEN.

Mr. BABCOCK with Mr. MCDERMOTT.

Mr. BALL of Delaware with Mr. BELLAMY.

Mr. JOY with Mr. CLARK.

Mr. BARNEY with Mr. COOPER of Texas.

Mr. BATES with Mr. BURNETT.

Mr. BOREING with Mr. BUTLER of Missouri.

Mr. LITTLEFIELD with Mr. DE ARMOND.

Mr. BRICK with Mr. CREAMER.

Mr. BRISTOW with Mr. DAVIS.

Mr. BROWN with Mr. FLANAGAN.

Mr. COOPER of Wisconsin with Mr. HENRY of Mississippi.

Mr. BURLEIGH with Mr. GLENN.

Mr. DARRAGH with Mr. JACKSON of Kansas.

Mr. DOUGLAS with Mr. LASSITER.

Mr. FLETCHER with Mr. KEHOE.

On this vote:

Mr. HUGHES with Mr. KERN.

Mr. ROBERTS with Mr. PUGSLEY.

Mr. BULL with Mr. GRIGGS.

Mr. CUSHMAN with Mr. FLEMING.

Mr. STORM with Mr. COCHRAN.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from New Jersey, that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. BARTLETT. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. BARTLETT. I desire to raise the question of consideration on the bill on which it is now asked that the House resolve itself into Committee of the Whole.

Mr. FOWLER. On that I make the point of order.

The SPEAKER pro tempore. The only way the gentleman can get at that is to vote down the motion.

Mr. BARTLETT. Mr. Speaker, I desire to say that I do not understand that to be the rule. If the Chair will indulge me a moment, I desire to raise the question of consideration upon this bill. This bill is before the House by reason of a rule reported on the 16th instant by the gentleman from Pennsylvania [Mr. DALZELL] who now occupies the chair as Speaker pro tempore. That rule provides that "House bill 16288, a bill providing for the issue and circulation of national-bank notes, shall have for the remainder of this session the same privilege that the rules give to bills reported by committees under the privilege given leave to report at any time." That report is found on page 2456 of the record of the proceedings of the House of February 16.

In answer to an inquiry by the gentleman from Iowa [Mr. HEPBURN], as follows:

If this rule is adopted, is it not true that all other business, except privileged business, can be displaced by this bill, and will be the special order in the absence of others?

Mr. DALZELL answered:

It can be called up at any time.

Mr. HEPBURN inquired:

And no other business can be transacted except by unanimous consent?

Mr. DALZELL answered:

Oh, yes; the question of consideration can be raised.

Further on the gentleman from Iowa [Mr. LACEY] made this inquiry of the gentleman from Pennsylvania, who presented the rule. Mr. LACEY said:

I want to ask the gentleman whether the consideration of this bill can be questioned on any day?

And Mr. DALZELL replied:

Undoubtedly.

Now, Mr. Speaker, I apprehend that the distinguished member of the Committee on Rules of this House, on the floor of this House, in presenting this rule, would not have made answer so positively and unequivocally to the distinguished members on that side of the House, or to any member on this side of the House, unless he felt he was right. This bill, as I understand it, and I shall not take the time of the House to quote precedents, or suggest any precedent to the Chair, because I am fully aware of the fact that the Chair is much more familiar with the parliamentary rules and customs of the House than I am, and if he has not the precedents by him, the able clerk of the Speaker, who is now at his hand, will give them to him—but this bill is given simply a privilege that any other bill has that comes from a committee which has the right to report at any time. If the committee were the Committee on Contested Elections, if it came from that committee—a committee of the highest privilege—we could raise the question of consideration. If it came from the great Committee on Ways and Means, we could raise the question of consideration.

If it came from the Committee on Appropriations, or any other of the great committees of this House, the House always has the right to determine whether or not it will consider any measure coming from those committees before the House, unless it is bound down and gagged by that modern invention by modern Congresses which aims to destroy the will of the House, namely, a rule reported from the Committee on Rules, which undertakes to prevent the House from exercising its will on any subject. But even the Committee on Rules has only given this Committee on Banking and Currency the right to call up for consideration this bill at any time. It simply puts it on the plane of other great committees, so that if the House desires to consider it you can have it, and if it does not desire to consider it we can vote the consideration down.

Mr. MANN. Will the gentleman from Georgia yield to me?

Mr. BARTLETT. I am always delighted to yield to my friend from Illinois.

Mr. MANN. As I understand, this is a motion that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering this bill?

Mr. BARTLETT. Yes.

Mr. MANN. I will ask the gentleman whether the House may not easily decide the question of consideration by voting upon that motion? If it does not wish to go into Committee of the Whole, does it not decide the question of consideration by voting on the motion?

Mr. BARTLETT. I will answer the gentleman frankly, yes. But I prefer for the House to determine whether it will consider this bill and thus end it or not and not simply decide to resolve itself into the Committee of the Whole House now and waste the balance of this day upon a bill which I know, and which the gentleman knows, will never become a law at this session.

Mr. MANN. And which the gentleman from Illinois hopes will not become a law at all.

Mr. BARTLETT. I join with the gentleman from Illinois in that hope.

Mr. PAYNE. Will the gentleman from Georgia yield to me?

Mr. BARTLETT. I am always glad to yield to the gentleman from New York.

Mr. PAYNE. Is the gentleman from Georgia aware that, where there is a motion to go into Committee of the Whole for the consideration of a bill, then the only way to prevent its consideration is to vote down that motion; that the question of consideration can not be entertained by the House in any other way?

Mr. BARTLETT. I understand it may have been so held, but my authority for my position is greater than that of the distinguished gentleman from New York; it is the distinguished gentleman from Pennsylvania who now occupies the Chair, and I appeal from the judgment of the gentleman from New York to the judgment of the gentleman from Pennsylvania. [Laughter.]

Mr. PAYNE. Well, I accept it now. Let the gentleman from Pennsylvania decide.

Mr. BARTLETT. He has to decide it, of course. [Laughter.] I was simply undertaking to recall to the attention of this House and of the gentleman from Pennsylvania the frank and candid statement which that gentleman made to this House when we adopted this rule, and I undertake to say that the gentleman from Pennsylvania on that occasion did not undertake or desire to mislead the members on this floor by anything he may have said in the presentation of this resolution to the House.

Mr. OLMSTED. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman from Georgia yield to the gentleman from Pennsylvania?

Mr. BARTLETT. Most assuredly.

Mr. OLMSTED. I wish to call the attention of the gentleman from Georgia to an authority which perhaps he will respect, because it comes from the late Speaker Crisp, of his own State, and is upon this very point.

Mr. BARTLETT. I will gladly hear the authority.

Mr. OLMSTED. It is that a motion to go into Committee of the Whole does in effect raise the question of consideration, and, that motion having been made, it can not be raised otherwise.

Mr. BARTLETT. I will gladly hear the authority, of course.

Mr. OLMSTED (reading):

On February 7, 1894, Mr. Richard P. Bland, of Missouri, presented as a matter of privilege the bill (H. R. 4956) directing the coinage of the silver bullion held in the Treasury, and for other purposes, heretofore reported from the Committee on Coinage, Weights, and Measures, and the same was referred to the Committee of the Whole House on the state of the Union.

Mr. Bland moved that the House resolve itself into Committee of the Whole on the state of the Union to consider said bill.

Mr. Charles Tracey, of New York, demanded that the question of consideration be put.

The Speaker held that it was not in order to demand the question of consideration against the motion of Mr. Bland, opposition to the consideration of the proposed measure being available by voting down the pending motion.

The language of Mr. Speaker Crisp in making this decision will be found reported in Mr. Hinds's excellent work on Parliamentary Precedents, page 448, section 835.

The motion of the gentleman from New Jersey [Mr. FOWLER] is that the House do now resolve itself into Committee of the Whole House on the state of the Union for the consideration of this bill. The decision of the House upon that motion of itself determines the question of consideration which my friend from Georgia seeks to raise in another and unparliamentary way as applied to this bill.

Mr. BARTLETT. That was a Democratic House, and we then had Democratic precedents. Now it is a Republican House, and we have the precedents of a Republican Speaker or a Republican presiding officer.

The SPEAKER pro tempore. There is no difference between the gentleman from Georgia [Mr. BARTLETT] and the Chair on this question, except a difference of form. The present occupant of the chair stated the other day on the floor of the House that the question of consideration could be raised on this bill. Now, there are two methods of raising the question of consideration. One of them applies to bills on the House Calendar and the other to bills on the Union Calendar. As to bills on the House Calendar, the question of consideration is raised directly by an appeal to the House, the bill being in the House. As to bills that are in the custody of the Committee of the Whole House on the state of the Union and on the Union Calendar, the question is raised by voting down the motion to go into Committee of the Whole, in which committee the bill is pending. So that it is perfectly apparent that between the attitude of the present occupant of the chair in his ruling now and his attitude while on the floor the other-day there is no possible inconsistency.

Mr. BARTLETT. I accept the decision of the Chair.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New Jersey [Mr. FOWLER], that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House bill 16228.

The question being taken, there were (on a division called for by Mr. BARTLETT and others)—ayes 84, noes 75.

Mr. BARTLETT. Mr. Speaker, upon such a close vote I demand tellers.

Mr. FOWLER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 80, answered "present" 16, not voting 128; as follows:

## YEAS—118.

Aplin,	Gaines, W. Va.	Littlefield,	Showalter,
Bartholdt,	Gardner, Mich.	Lovering,	Smith, Ill.
Bates,	Gardner, N. J.	McCleary,	Smith, Iowa
Bishop,	Gibson,	McLachlan,	Smith, H. C.
Bowersock,	Gill,	Mahon,	Smith, S. W.
Brandegge,	Gillet, N. Y.	Marshall,	Smith, Wm. Alden
Brick,	Gillett, Mass.	Martin,	Southard,
Bromwell,	Graft,	Mercer,	Sperry,
Burke, S. Dak.	Greene, Mass.	Metcalf,	Steele,
Burton,	Grosvenor,	Miller,	Stevens, Minn.
Butler, Pa.	Hamilton,	Minor,	Stewart, N. J.
Calderhead,	Haskins,	Moody,	Stewart, N. Y.
Cannon,	Haugen,	Morgan,	Sulloway,
Capron,	Heatwole,	Mudd,	Sutherland,
Cassel,	Hedge,	Needham,	Tawney,
Conner,	Henry, Conn.	Nevin,	Taylor, Ohio
Cousins,	Hepburn,	Olmsted,	Thayer,
Cromer,	Hill,	Otjen,	Tirrell,
Crumpacker,	Hitt,	Overstreet,	Van Voorhis,
Currier,	Holliday,	Palmer,	Vreeland,
Cushman,	Howell,	Patterson, Pa.	Wachter,
Dalzell,	Hughes,	Payne,	Wadsworth,
Davidson,	Hull,	Pearre,	Wanger,
Dick,	Jenkins,	Perkins,	Warnock,
Draper,	Jones, Wash.	Powers, Mass.	Weeks,
Driscoll,	Ketcham,	Prince,	Woods,
Esch,	Kyle,	Reeder,	Wright,
Evans,	Lacey,	Richardson, Tenn.	Young,
Foss,	Lawrence,	Scott,	
Fowler,	Lewis, Pa.	Shelden,	

## NAYS—89.

Adamson,	Feely,	McLain,	Sims,
Allen, Ky.	Finley,	McRae,	Slayden,
Ball, Tex.	Fitzgerald,	Maddox,	Small,
Bankhead,	Foster, Ill.	Mahoney,	Smith, Ky.
Bartlett,	Gooch,	Miers, Ind.	Snodgrass,
Bell,	Gordon,	Moon,	Snook,
Benton,	Hay,	Norton,	Spight,
Billmeyer,	Henry, Tex.	Pou,	Stark,
Brantley,	Howard,	Randell, Tex.	Stevens, Tex.
Breazeale,	Jackson, Kans.	Ransdell, La.	Sulzer,
Burkett,	Johnson,	Reid,	Tate,
Burleson,	Jones, Va.	Rhea,	Thomas, N. C.
Caldwell,	Kern,	Rixey,	Thompson,
Candler,	Kitchin, Claude	Robb,	Trimble,
Cassingham,	Kitchin, Wm. W.	Robertson, La.	Underwood,
Clayton,	Kleberg,	Robinson, Ind.	Underver,
Cochran,	Kluttz,	Rucker,	Wiley,
Conry,	Latimer,	Russell,	Williams, Ill.
Cooney,	Lester,	Ryan,	Williams, Miss.
Cowherd,	Lever,	Scarborough,	Zenor.
Crowley,	Little,	Shackleford,	
De Armond,	Lloyd,	Shallenberger,	
Dougherty,	McAndrews,	Sheppard,	

## ANSWERED "PRESENT"—16.

Acheson,	Fox,	Griggs,	Mann,
Bowie,	Gilbert,	Hopkins,	Morrell,
Coombs,	Glass,	Lewis, Ga.	Padgett,
Deemer,	Griffith,	McClellan,	Pugsley.

## NOT VOTING—128.

Adams,	Dahle,	Irwin,	Parker,
Alexander,	Darragh,	Jack,	Patterson, Tenn.
Allen, Me.	Davey, La.	Jackson, Md.	Pierce,
Babcock,	Davis, Fla.	Jett,	Powers, Me.
Ball, Del.	Dayton,	Joy,	Reeves,
Barney,	Dinsmore,	Kahn,	Richardson, Ala.
Beidler,	Douglas,	Kehoe,	Roberts,
Bellamy,	Dovener,	Knapp,	Robinson, Nebr.
Belmont,	Dwight,	Knox,	Ruppert,
Bingham,	Eddy,	Lamb,	Schirm,
Blackburn,	Edwards,	Landis,	Selby,
Blakeney,	Elliott,	Lassiter,	Shafroth,
Boring,	Emerson,	Lessler,	Shattuc,
Boutell,	Flanagan,	Lindsay,	Sherman,
Bristow,	Fleming,	Littauer,	Sibley,
Broussard,	Fletcher,	Livingston,	Skiles,
Brown,	Flood,	Loud,	Southwick,
Brownlow,	Foerderer,	Loudenslager,	Sparkman,
Brundidge,	Fordney,	McCall,	Storm,
Bull,	Foster, Vt.	McCulloch,	Swann,
Burgess,	Gaines, Tenn.	McDermott,	Swanson,
Burk, Pa.	Gardner, Mass.	Maynard,	Talbert,
Burleigh,	Glenn,	Meyer, La.	Taylor, Ala.
Burnett,	Goldfogle,	Mickey,	Thomas, Iowa
Butler, Mo.	Graham,	Mondell,	Tompkins, N. Y.
Clark,	Green, Pa.	Morris,	Tompkins, Ohio
Connell,	Grow,	Moss,	Warner,
Cooper, Tex.	Hanbury,	Mutchler,	Wheeler,
Cooper, Wis.	Henry, Miss.	Napfen,	White,
Corliss,	Hildebrandt,	Neville,	Wilson,
Creamer,	Hooker,	Newlands,	Wooten.
Curtis,			

The Clerk announced the following additional pairs:

For the session:

Mr. BROWNLOW with Mr. PIERCE.

For the balance of the day:

Mr. PARKER of New Jersey with Mr. GAINES of Tennessee.

Mr. LANDIS with Mr. BOWIE.

Mr. BOUTELL with Mr. GRIGGS.

Mr. CURTIS with Mr. BURGESS.

Mr. SIBLEY with Mr. FLOOD.

Mr. POWERS of Maine with Mr. HOOKER.

Mr. THOMAS of Iowa with Mr. LINDSAY.

Mr. JACKSON of Maryland with Mr. GOLDFOGLE.

Mr. STORM with Mr. FLEMING.

Mr. SCHIRM with Mr. NEVILLE.

For this vote:

Mr. BULL with Mr. PADGETT.

Mr. WATSON with Mr. GRIFFITH.

Mr. MORRELL with Mr. LEWIS of Georgia.

Mr. BOWIE. Mr. Speaker, I voted "no," but I was paired with the gentleman from Indiana, Mr. LANDIS. It was my mistake and I desire to withdraw my vote.

The SPEAKER pro tempore. The Clerk will call the gentleman.

The Clerk called the name of Mr. BOWIE, and he answered "present."

Mr. GRIFFITH. Mr. Speaker, I voted by mistake. I was paired with Mr. WATSON and I wish to withdraw my vote.

The SPEAKER pro tempore. The Clerk will call the gentleman.

The name of Mr. GRIFFITH was called, and he answered "present."

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to change my vote.

The SPEAKER pro tempore. The Clerk will call the gentleman.

The name of Mr. RICHARDSON of Tennessee was called and he voted "aye."

The SPEAKER pro tempore. On this question the ayes are 118, the nays 89, answering present 14. The ayes have it. Accordingly, the House resolves itself—

Mr. RICHARDSON of Tennessee. Mr. Speaker, I move to reconsider the vote by which the House has passed that motion.

Mr. FOWLER. Mr. Speaker, I make the point of order that that is a dilatory motion.

Mr. RICHARDSON of Tennessee. A motion to reconsider is not a dilatory motion. I have never heard of a motion to reconsider being dilatory. Certainly, the House has a right to reconsider its vote.

The SPEAKER pro tempore. The Chair sustains the point of order.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Virginia moves that the House do now adjourn.

The question was taken.

The SPEAKER pro tempore. The Chair thinks that he has made a mistake in putting that motion. The House has already resolved itself into the Committee of the Whole.

Mr. HAY. But the Chair has not yet announced it.

The SPEAKER pro tempore. The Chair did announce it, and was interrupted by the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON of Tennessee. But after the motion to adjourn has been submitted—

The SPEAKER pro tempore. The Chair will look at the precedents.

Mr. HAY. The Chair had already ruled on the point of order.

Mr. GRIGGS. Mr. Speaker, I find that I am paired with Mr. BOUTELL, and I would like to withdraw my vote. I voted "no."

The SPEAKER pro tempore. The Clerk will call the gentleman.

The name of Mr. GRIGGS was called, and he answered "present."

The SPEAKER pro tempore. In the absence of any precedent, the Chair is of opinion that the House having determined to resolve itself into Committee of the Whole House on the state of the Union, and the announcement having been partially made, the motion of the gentleman from Virginia is not in order.

Mr. HAY. From that decision, Mr. Speaker, I most respectfully appeal.

The SPEAKER pro tempore. The Chair will state that he now finds he is sustained by precedent. The Chair will call the gentleman's attention to what has been called to his attention. The Chair will state to the gentleman from Virginia that this very question was passed upon by Mr. Speaker Carlisle in the Forty-ninth Congress, and he held that the House having determined by a yea-and-nay vote to resolve itself into the Committee of the Whole House on the state of the Union, a motion to adjourn was not in order.

Mr. HAY. I respectfully appeal from the decision of the Chair. Mr. FOWLER. I make the point of order that that is clearly dilatory—the appeal from the decision of the Chair.

Mr. GROSVENOR. I make the point of order that the Chair having announced that the House had resolved itself into the Committee of the Whole House on the state of the Union, the mere announcement of the Chair afterwards that he would not entertain another motion, or a motion to adjourn, is not a decision that can be appealed from, because the House had already discontinued its existence by the declaration of the Chair.

Mr. UNDERWOOD. Mr. Speaker, on that proposition it is clear that the House has not surrendered itself to the Committee of the Whole until the Speaker announces whom he calls to the chair and is ready to surrender the gavel, which has not been done in this case. The House still has control of its own decisions.

Mr. RICHARDSON of Tennessee. The House could not know what the Chair was going to decide.

Mr. GROSVENOR. Is it in the power of the Speaker to continue the business of the House after the House has resolved itself into the Committee of the Whole House? That settles that proposition.

Mr. UNDERWOOD. No; but it is still in the power of the House to act.

Mr. GROSVENOR. The House could act, but the Speaker can not.

Mr. UNDERWOOD. Until the Speaker announces whom he calls to the chair the House is not in Committee of the Whole.

The SPEAKER pro tempore. The Chair would like to hear the gentleman from Ohio. The parliamentary situation is now that the gentleman from Virginia has made a motion to adjourn. The Chair has held that that motion is not in order, and from that decision of the Chair the gentleman from Virginia has appealed.

Mr. GROSVENOR. Now, my point of order is this—it is a very simple one: The House agreed to the resolution to go into the Committee of the Whole House on the state of the Union for the consideration of a certain bill. The Chair announced that the ayes had it, and that the House had so resolved itself. Thereupon a motion to adjourn was made. That motion was not in order. The rule is well laid down here, and is a part of the rules of the House. Thereupon an appeal was proposed from the decision of the Chair.

My point is that the Chair has no authority to entertain the appeal, because the result of that appeal would be to negative the action of the House already taken, and the only thing that the Chair could do was to announce the name of the presiding officer of the Committee of the Whole. If that were not so the Chair might refuse to allow the House to go into Committee of the Whole. In other words, the body itself has put an end to its existence for the purpose of a motion to adjourn, and the Chair has no power to entertain a motion that if carried would render nugatory the action of the House itself.

Mr. UNDERWOOD. Mr. Speaker, in answer to what the gentleman from Ohio has said, I simply wish to call the attention of the Chair to this fact: There must be a time and a definite time when we are in the House and when we are in the Committee of the Whole. Now, the House may by a vote resolve to do a certain act, but as long as the Speaker occupies that chair the mace is on the stand and we are in the House. And if any man is guilty of disorderly conduct while the Speaker is in the chair and the mace is on the stand, the House can punish him for that disorderly conduct: whereas if the Speaker had left the chair and the mace had left the stand we would be in the Committee of the Whole, and to punish a member for disorderly conduct we would have to rise and go back into the House.

Now, as it stands this minute, if I was guilty of disrespect, the Speaker is in the chair and the Sergeant-at-Arms could come here and put me under arrest for that disrespect. But when the Speaker calls a Chairman of the Committee of the Whole to occupy that chair, that power ceases, and the Chairman does not have the privilege of asserting that power. So there is a definite time when that power ceases and when it does not. Now, I say it is clear that there can be but one time, and that is when the Speaker of the House announces the decision of the House and calls a member from this floor to occupy the chair.

Mr. RICHARDSON of Tennessee. And vacates the chair.

Mr. GROSVENOR. I should like to call the attention of the gentleman from Alabama—

Mr. UNDERWOOD. Certainly.

Mr. GROSVENOR. To the fact that when the Speaker has announced that the motion is agreed to, the rule is imperative upon him that he shall leave the chair. Now, can an officer, by refusing to obey the rule, confer a function upon himself that he would not have and could not have exercised if he had instantly obeyed the rule of the House?

Mr. UNDERWOOD. Why, certainly, there is one thing that

the Chair could absolutely do, and I will call the attention of the Chair to it now, showing that he has not surrendered his authority. A motion to reconsider was made, a parliamentary motion. There might be some good reason why, after we had determined to resolve the House into Committee of the Whole, that a motion to reconsider might lie and the Chair believe it not dilatory. He ruled this out of order, because he said it was dilatory. But suppose, in the opinion of the Chair, the Speaker had determined that the motion was not a dilatory motion. Was it not yet within the power of the House to reconsider the other vote, to reconsider the vote by which we determined to go into Committee of the Whole, and recall the power of the House? Why, certainly.

Mr. FINLEY. I would like to ask the gentleman this question: Even assuming that the Chair had made his announcement, would it not still be in order to demand a recapitulation of the vote to verify it, and could that demand be made except in the House?

Mr. UNDERWOOD. Well, if we were in committee, the rule of the committee requires a different proceeding.

Mr. FINLEY. Would not the fact of the demand, if a call of the House was made, carry with it the fact that we were still in the House?

Mr. UNDERWOOD. I do not hear the gentleman's question sufficiently well to understand it.

Mr. FINLEY. I mean a call for a recapitulation of the vote for the purpose of verifying the vote.

Mr. STEELE. I call for the regular order.

Mr. UNDERWOOD. That would have to be done before the vote was announced. But I was, Mr. Speaker, showing that it was in the power of the House to reconsider, if the Chair believes it is not a dilatory motion. Why, then, there is power left with the Speaker, and the Speaker has not surrendered his functions. Therefore, if he is still occupying the functions of Speaker, he might make a mistake in ruling, and the House has the right to determine that question, and the right of appeal lies up to the time that he announces that the House has resolved itself into Committee of the Whole and calls a member to the chair.

The SPEAKER pro tempore. The Chair is ready to rule.

Mr. HAY. Mr. Speaker, as I understand, the Chair was about to announce the vote when the gentleman from Tennessee moved to reconsider. Somebody on that side made the point of order that the motion of the gentleman from Tennessee was dilatory, and the Chair sustained the point of order. Well, if the contention which is now made by the gentleman from Ohio is correct, the Chair had no right then to sustain the point of order, or to entertain the motion of the gentleman from Tennessee, or to announce the motion as dilatory. That being the case, I moved that the House adjourn, before the Speaker had proceeded further to state who he was to call to the chair or to make any other statement in regard to it. Somebody made the point of order that my motion to adjourn was a dilatory motion, and I therefore appealed from the decision of the Chair. It does seem to me that the House has the right to vote as to what particular period or any particular period when we shall adjourn. When we are in the House a member has the right to make the motion to adjourn, and it is plain that my motion was not dilatory, because it is now twenty minutes past 4 o'clock. I do not think it is dilatory.

The SPEAKER pro tempore. The House having determined by a vote of 118 to 89 to resolve itself into Committee of the Whole House on the state of the Union, the Chair proceeded to announce that the ayes had it, and was going to make the further formal announcement, when interrupted by the gentleman from Tennessee with a motion to reconsider. The point of order was made that the gentleman's motion was dilatory, and in view of what had taken place prior thereto the Chair sustained the point of order.

Now, whatever may be the theoretical view of the functions of the Speaker at that stage of the proceedings, there is no doubt at all that he still continued de facto to be exercising the functions of the Speaker; and the clerk to the Speaker's table informs the Chair that a great many Speakers—Mr. Carlisle, Mr. Keifer, and the present Speaker of the House—have entertained points of order at that stage of the proceedings.

The Chair is clearly of the opinion that the motion of the gentleman from Virginia to adjourn is out of order, and has so decided; but, having thus far exercised the function of Speaker, and passed on the question of order, it seems to him that when the appeal has been taken it must be entertained. The Chair will put the question. The question is, Shall the decision of the Chair stand as the judgment of the House?

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. HAY. Division, Mr. Speaker.

The House divided; and there were—ayes 100, noes 69.

Mr. HAY. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 110, nays 74, answered "present" 17, not voting 150, as follows:

## YEAS—110.

Aplin,	Esch,	Latimer,	Reeder,
Barney,	Evans,	Lawrence,	Reeves,
Bates,	Foss,	Lewis, Pa.	Scott,
Bishop,	Fowler,	Loud,	Showalter,
Brandegree,	Gardner, Mass.	Loudenslager,	Smith, Ill.
Brick,	Gardner, Mich.	Lovering,	Smith, Iowa
Burke, S. Dak.	Gardner, N. J.	McCleary,	Smith, H. C.
Burkett,	Gill,	McLachlan,	Smith, S. W.
Burton,	Gillet, N. Y.	Mahon,	Southard,
Butler, Pa.	Graff,	Marshall,	Sperry,
Calderhead,	Graham,	Martin,	Steele,
Cannon,	Grosvenor,	Miers, Ind.	Stevens, Minn.
Capron,	Hamilton,	Miller,	Stewart, N. J.
Cassel,	Haskins,	Moody,	Stewart, N. Y.
Cooper, Wis.	Hedge,	Morrell,	Sulloway,
Cousins,	Hemenway,	Mudd,	Tawney,
Cowherd,	Henry, Conn.	Needham,	Thayer,
Cromer,	Hepburn,	Nevin,	Tirrell,
Crumpacker,	Hill,	Olmsted,	Van Voorhis,
Currier,	Hitt,	Otjen,	Vreeland,
Cushman,	Holliday,	Overstreet,	Wanger,
Dalzell,	Howell,	Palmer,	Warner,
Davidson,	Hughes,	Patterson, Pa.	Warnock,
Deemer,	Hull,	Payne,	Woods,
Dick,	Jones, Wash.	Pearre,	Wright,
Draper,	Ketcham,	Perkins,	Young,
Driscoll,	Kyle,	Powers, Mass.	
Eddy,	Lacey,	Prince,	

## NAYS—74.

Adamson,	Foster, Ill.	McAndrews,	Sims,
Allen, Ky.	Goldfogle,	Maddox,	Slayden,
Bankhead,	Gooch,	Mahoney,	Smith, Ky.
Bartlett,	Gordon,	Moon,	Snodgrass,
Bell,	Hay,	Randall, Tex.	Snook,
Billmeyer,	Henry, Tex.	Ransdell, La.	Spight,
Breezeale,	Howard,	Rhea,	Stark,
Burleson,	Jackson, Kans.	Richardson, Ala.	Stephens, Tex.
Caldwell,	Johnson,	Rixey,	Sulzer,
Candler,	Jones, Va.	Robb,	Tate,
Cassingham,	Kern,	Robertson, La.	Taylor, Ala.
Clayton,	Kitchin, Claude	Robinson, Ind.	Thomas, N. C.
Cochran,	Kitchin, Wm. W.	Rucker,	Trimble,
Conry,	Kleberg,	Russell,	Vandiver,
Cooney,	Kluttz,	Ryan,	Wiley,
De Armond,	Lester,	Scarborough,	Williams, Miss.
Dougherty,	Lever,	Shackleford,	Zenor.
Feely,	Little,	Shallenberger,	
Fitzgerald,	Lloyd,	Sheppard,	

## ANSWERED "PRESENT"—17.

Bowie,	Griffith,	McRae,	Small,
Coombs,	Griggs,	Mann,	Underwood.
Finley,	Hopkins,	Padgett,	
Fox,	Lewis, Ga.	Pugsley,	
Glass,	McClellan,	Reid,	

## NOT VOTING—150.

Acheson,	Curtis,	Jenkins,	Pou,
Adams,	Dable,	Jett,	Powers, Me.
Alexander,	Darragh,	Joy,	Richardson, Tenn.
Allen, Me.	Davey, La.	Kahn,	Roberts,
Babcock,	Davis, Fla.	Kehoe,	Robinson, Nebr.
Ball, Del.	Dayton,	Knapp,	Ruppert,
Ball, Tex.	Dinsmore,	Knox,	Schirm,
Bartholdt,	Douglas,	Lamb,	Selby,
Beidler,	Dovener,	Landis,	Shaffroth,
Bellamy,	Dwight,	Lassiter,	Shattuc,
Belmont,	Edwards,	Lessler,	Shelden,
Benton,	Elliott,	Lindsay,	Sherman,
Bingham,	Emerson,	Littauer,	Sibley,
Blackburn,	Flanagan,	Littlefield,	Skiles,
Blackney,	Fleming,	Livingston,	Smith, Wm. Alden
Boreing,	Fletcher,	Long,	Southwick,
Boutell,	Flood,	McCall,	Sparkman,
Bowersock,	Foerderer,	McCulloch,	Storn,
Brantley,	Fordney,	McDermott,	Sutherland,
Bristow,	Foster, Vt.	McLain,	Swann,
Bromwell,	Gaines, Tenn.	Maynard,	Swanson,
Broussard,	Gaines, W. Va.	Mercer,	Talbert,
Brown,	Gibson,	Metcalf,	Taylor, Ohio
Brownlow,	Gilbert,	Meyer, La.	Thomas, Iowa
Brundidge,	Gillett, Mass.	Mickey,	Thompson,
Bull,	Glenn,	Minor,	Tompkins, N. Y.
Burgess,	Green, Pa.	Mondell,	Tompkins, Ohio
Burk, Pa.	Greene, Mass.	Morgan,	Wachter,
Burleigh,	Grow,	Morris,	Wadsworth,
Burnett,	Hanbury,	Moss,	Watson,
Butler, Mo.	Haugen,	Mutchler,	Weeks,
Clark,	Heatwole,	Napen,	Wheeler,
Connell,	Henry, Miss.	Neville,	White,
Conner,	Hildebrandt,	Newlands,	Williams, Ill.
Cooper, Tex.	Hooker,	Norton,	Wilson,
Corliss,	Irwin,	Parker,	Wooten.
Creamer,	Jack,	Patterson, Tenn.	
Crowley,	Jackson, Md.	Pierce, Tenn.	

So the decision of the Chair was sustained.

The following additional pairs were announced:

Until further notice:

Mr. LITTLEFIELD with Mr. RICHARDSON of Tennessee.

On this vote:

Mr. CONNER with Mr. McLAIN.

Mr. METCALF with Mr. WILLIAMS of Illinois.

Mr. JENKINS with Mr. MICKEY.

Mr. BLACKBURN with Mr. THOMPSON.  
Mr. WACHTER with Mr. CROWLEY.  
Mr. HEATWOLE with Mr. BRANTLEY.  
Mr. WM. ALDEN SMITH with Mr. FINLEY.  
Mr. ADAMS with Mr. BENTON.  
Mr. DARRAGH with Mr. BALL of Texas.

For the balance of the day:

Mr. WEEKS with Mr. POU.

Mr. TOMPKINS of New York with Mr. MUTCHLER.

The result of the vote was then announced as above recorded.

Accordingly the House, in pursuance of its former vote, resolved itself into Committee of the Whole House on the state of the Union, with Mr. LAWRENCE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16228) to provide for the issue and circulation of bank notes, which the Clerk will report.

The Clerk read the title to the bill.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. BARTLETT. Regular order, Mr. Chairman.

Mr. UNDERWOOD. Mr. Chairman, I move that the Committee do now rise.

Mr. PAYNE. I make the point of order, Mr. Chairman, that the gentleman from Alabama has not the floor.

The CHAIRMAN. The gentleman from Georgia calls for the regular order. Objection is made, and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That any national bank may, with the approval of the Comptroller of the Currency, take out for issue and circulation an amount of national bank notes not exceeding 25 per cent of its paid-up and unimpaired capital without depositing United States bonds with the United States Treasury in the manner provided by existing law.

SEC. 2. That said national bank notes shall be furnished by the United States at the expense of the respective banks issuing them, and shall be in the denominations of \$10 and multiples thereof.

SEC. 3. That before any national bank shall receive any of the bank notes referred to in this act it shall first deposit in the Treasury of the United States as a guaranty of the payment thereof an amount of United States bonds or gold coin, or both, equal to 5 per cent of the amount of the notes so taken out, and such deposit shall be counted as a part of the lawful reserve of said bank against said notes. The interest upon said bonds shall be paid to the bank so depositing them, and if said bank shall retire said circulation, or any portion thereof, an amount of bonds or gold coin, or both, equal to 5 per cent of the notes so retired shall be returned to said bank: *Provided, however,* That if it should be necessary to sell said bonds for the purposes defined in this act, the Secretary of the Treasury is hereby authorized to dispose of the same and use the proceeds in accordance with the provisions of law herein contained.

SEC. 4. That every national bank taking out such notes for issue and circulation shall, on the 1st days of January and July of each year, pay into the Treasury of the United States, in gold coin, a tax of one-quarter of 1 per cent upon the average amount of such notes in actual circulation during the preceding six months, and the tax so paid into the Treasury shall, with the 5 per cent deposited as a guaranty for the payment of the notes, constitute a guaranty fund.

SEC. 5. That such notes shall be a first lien upon the assets of the respective banks issuing them, and shall be received upon deposit and for all purposes of debt and liability by every national bank at par and without any charge of whatsoever kind, and such notes shall be receivable for all public dues except duties on imports, and when so received shall be paid out again.

SEC. 6. That any national bank having notes outstanding in excess of 75 per cent of its paid-up capital, to secure the payment of which United States bonds have been deposited, may, upon the deposit of lawful money for the redemption of such excess, take out for circulation the notes provided for in this act, without reference to the limitation of \$2,000,000 each month prescribed in section 9 of the act approved July 12, 1882.

SEC. 7. That the provisions of the law contained in section 9 of the act approved July 12, 1882, limiting the amount of notes that may be retired to \$3,000,000 in any calendar month, shall not apply to the notes taken out in accordance with the provisions of this act.

SEC. 8. That every national bank taking out such notes for issue shall maintain at all times the same reserve against such notes when in actual circulation as is now prescribed by law for deposits.

SEC. 9. That the bank notes taken out for issue in accordance with the provisions of this act shall be redeemed on demand in gold coin over the counter of the bank issuing them, and if said bank is located outside of one of the redemption cities hereinafter established, it shall then select a national bank as its agent in a redemption city, subject to the approval of the Comptroller of the Currency, which shall upon demand redeem said notes in gold coin.

SEC. 10. That for the purposes of this act New York, Chicago, and San Francisco shall be redemption cities, and all the national banks redeeming their notes at any one of these cities shall constitute a redemption district, and the New York redemption district shall be known as redemption district No. 1, the Chicago redemption district as redemption district No. 2, and the San Francisco redemption district as redemption district No. 3.

SEC. 11. That if any national bank shall receive such circulating notes of any other national bank located outside of its own district it shall not pay them out over its own counter, but shall forward them either to some bank in the district to which the notes belong, or to some bank located in the redemption city of its own district, and then they shall be returned to the bank issuing them or to some bank in the district to which the bank issuing them belongs.

SEC. 12. That upon the failure of a national bank any national bank notes that have been taken out by it in accordance with the provisions of this act shall, upon presentation to the United States Treasury, be paid in gold coin out of the guaranty fund; but the United States Treasury shall recover from the assets of the failed bank an amount equal to its outstanding notes, and the same shall be paid into the guaranty fund.

SEC. 13. That any national bank desiring to go into liquidation shall first pay into the guaranty fund an amount of gold coin equal to the amount of its notes then outstanding.

SEC. 14. That if such fund shall, for any reason, fall below an amount equal to 3 per cent of the total amount of the bank notes taken out in accordance with the provisions of this act, the Comptroller may impose an extraordinary tax, not exceeding 1 per cent in any one year, upon the amount of the notes at the time outstanding; but such extraordinary tax shall be refunded to the respective banks whenever such repayment shall not reduce such fund below an amount equal to 5 per cent of all the notes outstanding.

During the reading of the bill, and when the first paragraph had been read, the following occurred:

Mr. UNDERWOOD. Mr. Chairman, I move to amend the bill by striking out the paragraph.

The CHAIRMAN. That motion is not in order until after the reading of the bill has been concluded.

After the completion of the reading of the bill:

Mr. FOWLER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 16228, and had come to no resolution thereon.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9632. An act for the allowance of claims of certain citizens of Virginia for damages to their property incident to the encampment at Manassas and march from Camp Alger to Thoroughfare Gap, Virginia, as recommended by a board of officers appointed for the consideration of claims for damages to property by volunteer soldiers during the war with Spain; and

H. R. 12141. An act to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows," approved March 3, 1901.

#### WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. SWANN was given leave to withdraw from the files of the House, without leaving copies, papers in the case of George F. Flinn, Fifty-seventh Congress, no adverse report having been made thereon.

#### LEAVE OF ABSENCE.

By unanimous consent, Mr. KNAPP was granted leave of absence for two days on account of sickness in family.

Mr. FOWLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for carrying out an agreement with the Choctaws and Chickasaws—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Washington*, Aaron Foster, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an additional estimate of appropriation for naval service—to the Committee on Naval Affairs, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HEATWOLE, from the Committee on Printing, to which was referred the resolution of the Senate (S. C. Res. 50) for printing 1,600 copies of Bills and Debates in Congress Relating to Trusts, prepared by the Attorney-General, reported the same without amendment, accompanied by a report (No. 3819); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the resolution of the Senate (S. C. Res. 53) providing for the printing

of a compilation, under the direction of the Attorney-General, of all the laws of the several States relating to trusts, or to combinations in restraint of trade and commerce, reported the same without amendment, accompanied by a report (No. 3820); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the resolution of the House (H. C. Res. 65) for printing and binding 8,000 copies of the Gazetteer of the Philippine Islands, reported the same without amendment, accompanied by a report (No. 3821); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the resolution of the Senate (S. C. Res. 48) for printing 5,000 copies of the Reports on the Law of Civil Government under Military Occupation, by Charles E. Magoon, reported the same without amendment, accompanied by a report (No. 3823); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 17466) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," reported the same without amendment, accompanied by a report (No. 3824); which said bill and report were referred to the House Calendar.

Mr. WATSON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 65) providing for the retirement of petty officers and enlisted men of the Navy, reported the same without amendment, accompanied by a report (No. 3833); which said bill and report were referred to the House Calendar.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 15520) to establish a standard of value and to provide for a coinage system in the Philippine Islands (with Senate amendments thereto), reported the same with amendments, accompanied by a report (No. 3834); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 6048) granting a pension to Lillian G. Elkins, reported the same with amendment, accompanied by a report (No. 3835); which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 17481) authorizing the recorder of the General Land Office to issue certified copies of patents, records, books, and papers—to the Committee on the Public Lands.

By Mr. NEEDHAM: A bill (H. R. 17482) for the establishment of a support of entry at Newport Beach, Cal.—to the Committee on Ways and Means.

By Mr. MILLER: A bill (H. R. 17483) providing for the better separation and utilization of public and private lands within the limits of railroad land grants in the arid and semiarid regions of the State of Kansas—to the Committee on the Public Lands.

By Mr. SULLOWAY: A bill (H. R. 17484) defining the rights of soldiers who enlisted in violation of the twenty-second article of war—to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: A bill (H. R. 17485) to remove tariff duties on beef and all meats and place the same on the free list—to the Committee on Ways and Means.

By Mr. MONDELL: A bill (H. R. 17486) to ratify an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect—to the Committee on Indian Affairs.

By Mr. MARSHALL: A bill (H. R. 17491) to ratify and amend an agreement with the Indians of the Devils Lake Reservation, in North Dakota, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. GILLET of New York: A joint resolution (H. J. Res. 276) granting to the New York and Jersey Railroad Company the right to construct and operate an underground railway under land owned by the United States in the city of New York—to the Committee on Public Buildings and Grounds.

By Mr. SHACKLEFORD: A concurrent resolution (H. C. Res. 91) for printing and binding 60,000 copies of the Abstract of the Twelfth Census—to the Committee on Printing.

By Mr. KNOX: A resolution of the Commonwealth of Massa-

chusetts, relating to Castle Island—to the Committee on Military Affairs.

By Mr. GREENE of Massachusetts: A resolution of the Commonwealth of Massachusetts, favoring pensions for life savers—to the Committee on Interstate and Foreign Commerce.

By Mr. CONRY: A resolution of the Commonwealth of Massachusetts, favoring pensions for life savers—to the Committee on Interstate and Foreign Commerce.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CUSHMAN: A bill (H. R. 17487) to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash.—to the Committee on Claims.

By Mr. GRAFF: A bill (H. R. 17488) for the relief of the owners of the British steamship Mogul—to the Committee on Claims.

By Mr. HAY: A bill (H. R. 17489) for the relief of the heirs of Nathan Spitzer—to the Committee on War Claims.

By Mr. TRIMBLE: A bill (H. R. 17490) granting a pension to Mary E. Martin—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL: Petition of citizens of Abilene and vicinity, Colorado, in opposition to the parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWERSOCK: Petitions of the Western Retail Implement and Vehicle Dealers' Association, of Abilene, Kans., and citizens of the Second Congressional district of Kansas, against the enactment of the parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, protest of Lincoln Post, No. 1, Department of Kansas, Grand Army of the Republic, against erecting monuments on United States grounds in honor of those who fought against the Union—to the Committee on the Library.

Also, petition of the Commercial Club, of Wichita, Kans., asking for reciprocity with Cuba—to the Committee on Foreign Affairs.

By Mr. BURTON: Petition of E. H. Kirkholder and others for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CALDERHEAD: Petitions of citizens of the Fifth Congressional district of Kansas, protesting against the enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Commercial Club, of Wichita, Kans., favoring reciprocity with Cuba—to the Committee on Foreign Affairs.

Also, petition of Jacob Short, of Orange County, Fla., asking for the establishment of a Soldiers' Home in the State of Florida—to the Committee on Military Affairs.

By Mr. FLYNN: Protests of numerous citizens of the Territory of Oklahoma, against the parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON: Petition of Hill Post, No. 159, of Middleville, Mich., Grand Army of the Republic, in support of House bill 17103, permitting the payment of the value of public lands to persons entitled to make entry upon such lands in certain cases—to the Committee on the Public Lands.

By Mr. LEWIS of Pennsylvania: Petition of F. S. Cameron and other citizens of Adams County, Pa., in relation to increased taxation for public roads in the vicinity of the battlefield of Gettysburg—to the Committee on Agriculture.

By Mr. MCCALL: Petition of the National Business Men's League, relating to bills to suspend the coastwise navigation laws and to rebate duties on coal—to the Committee on the Merchant Marine and Fisheries.

By Mr. MILLER: Protest of citizens of the Fourth Congressional district of Kansas against the enactment of the parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. MUTCHLER: Resolutions of the legislative board of the Brotherhood of Railroad Trainmen of Pennsylvania, in favor of the passage of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, in favor of House bill 15990, known as the employers' liability bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, urging the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. HENRY C. SMITH: Petition of the Woman's Christian Temperance Union of Adrian, Mich., for the passage of a

bill to forbid the sale of intoxicating liquors in all Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Wolverine Division, No. 182, Order of Railway Conductors, Jackson, Mich., favoring the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. REEDER: Petitions of the Western Retail Implement and Vehicle Dealers' Association, of Abilene, Kans.; also of numerous citizens of the Sixth Congressional district of Kansas, in opposition to the parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Lincoln Post, No. 1, Grand Army of the Republic, Department of Kansas, against the erection of monuments on United States grounds in honor of those who fought against the Union—to the Committee on the Library.

By Mr. STEPHENS of Texas: Papers to accompany House bill 2785, for the relief of Elijah Crudginton—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of the Merchants' Association of New York City, in relation to the ship-subsidy bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. J. Stager, Philadelphia, Pa., in relation to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

## SENATE.

[Continuation of session of Thursday, February 19, 1903.]

At 11 o'clock a. m., Saturday, February 21, 1903, the recess having expired, the Senate reassembled in executive session. At 11 o'clock and 20 minutes a. m. the doors were reopened.

### ORDER OF BUSINESS.

Mr. BEVERIDGE. Mr. President, do we have now the regular order of morning business—the presentation of petitions, the reports of committees, the introduction of bills and joint resolutions, and so forth—or is it in order to ask unanimous consent for the present consideration of a bill?

The PRESIDENT pro tempore. As to this legislative day, the regular morning hour has expired, and the Senate is simply now in legislative session.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 16) to provide for the erection of a bronze equestrian statue to the memory of the late Brig. Gen. Count Casimir Pulaski at Washington, D. C.

Mr. PENROSE. Had we not better go on with the morning business?

Mr. BEVERIDGE. That is the question I asked of the President of the Senate just now, and he stated that the morning business for this legislative day had been disposed of.

Mr. PENROSE. That is only a technicality. There is morning business here to be presented.

Mr. BEVERIDGE. I am willing that morning business shall be received.

Mr. BACON. I rise to a point of order, Mr. President. The PRESIDENT pro tempore. The Senator from Georgia will state his point of order.

Mr. BACON. My point of order is that the new legislative day will not begin until the hour of noon by our rules.

The PRESIDENT pro tempore. The new legislative day will not commence until the Senate adjourns.

Mr. CULLOM. And that has not occurred.

The PRESIDENT pro tempore. And that has not yet occurred.

Mr. BACON. That is in accord with the suggestion I was making, and therefore morning business is not now necessarily in order, as I understand.

The PRESIDENT pro tempore. It is not until this legislative day has been concluded.

Mr. BEVERIDGE. I wish to say to the Senator from Pennsylvania [Mr. PENROSE] that I have no objection whatever, of course, to the introduction of bills or anything of that kind. I rose to ask the Chair that very question, and the Chair decided that morning business was not now in order, having been concluded at our last session, and therefore, and only therefore, I asked for the present consideration of a little bill, not to take away from Senators the privilege of introducing bills, reports, or resolutions.

The PRESIDENT pro tempore. The Senator from Indiana [Mr. BEVERIDGE] has the floor.

Mr. BEVERIDGE. Mr. President, I ask unanimous consent for the present consideration of Order of Business 2840, being House bill No. 16.

Mr. PENROSE. I object until the introduction of bills and other morning business has been gone through with.

Mr. BEVERIDGE. I am perfectly willing that shall be done. I only want the Senator from Pennsylvania to understand that I

am entirely in order in making the request I have made, and that it is not a technicality.

The PRESIDENT pro tempore. There is only an hour to be given to legislative business. If there be no objection, the Chair will receive morning business.

### ROCK ISLAND ARSENAL, ILLINOIS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Assistant Secretary of War, submitting an estimate of appropriation for Rock Island Arsenal, Rock Island, Ill., \$185,000, to replace a storehouse destroyed by fire February 11, 1903; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; in which it requested the concurrence of the Senate.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (H. R. 9632) for the allowance of claims of certain citizens of Virginia for damages to their property incident to the encampment at Manassas, and march from Camp Alger to Thoroughfare Gap, Virginia, as recommended by a board of officers appointed for the consideration of claims for damages to property by volunteer soldiers during the war with Spain; and

A bill (H. R. 12141) to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows," approved March 3, 1902.

### PETITIONS AND MEMORIALS.

Mr. PENROSE presented petitions of the Trinity Lutheran Sunday School, of Milton; of Sunbury Council, No. 31, Daughters of Liberty, of Sunbury; of D. Faust, of Philadelphia; of the congregation of the First United Evangelical Church, of Sunbury; of the congregation of the West Washington Methodist Episcopal Church of Washington; of the congregation of St. Matthew's Lutheran Church of Bloomsburg, and of 745 citizens of Washington, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. GAMBLE presented the petition of D. L. Printup, of Britton, S. Dak., praying for the enactment of legislation to reinstate graduates of the Naval Academy who have been honorably discharged; which was referred to the Committee on Naval Affairs.

He also presented the petition of Rev. O. W. Butterfield, of Groton, S. Dak., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. QUARLES. I present a telegram, in the nature of a petition, from the Merchants and Manufacturers' Association of Milwaukee, Wis., praying for the ratification of the reciprocity treaty with Cuba. I ask that the telegram lie on the table and that it be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table, and to be printed in the RECORD, as follows:

[Telegram.]

MILWAUKEE, WIS., February 20, 1903.

Hon. J. V. QUARLES, United States Senate, Washington, D. C.:

The following unanimously adopted this day by the Merchants and Manufacturers' Association of Milwaukee: "Resolved, That it is the urgent desire of this association that the treaty now pending in the United States Senate for reciprocal relations between this country and Cuba be ratified during the present session of Congress. And the Senators from this State are respectfully requested to use their best endeavors."

E. A. WADHAMS,  
President.

Mr. QUARLES presented a petition of Mellen Division, No. 372, Brotherhood of Locomotive Engineers, of Fond du Lac, Wis., praying for the passage of the so-called Grosvenor anti-injunction bill; which was ordered to lie on the table.

He also presented a petition of Typographical Union No. 211, of Oshkosh, Wis., praying for the repeal of the so-called desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented petitions of Iron Molders' Union No. 286, of Sheboygan; of Machinists' Union No. 501, of Green Bay; of Machinists' Union No. 173, of Eau Claire, and of the Trades and